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Appointments to fill vacancies in subsidiary organs and other appointments: appointment of the judges of the United Nations Dispute Tribunal

Proposed programme budget for the biennium 2018-2019

Administration of justice at the United Nations

Administration of justice at the United Nations

Report of the Secretary-General

Summary

The General Assembly, by its resolutions 61/261, 62/228 and 63/253, decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice for the United Nations. This system commenced operation on 1 July 2009.

The General Assembly has noted with appreciation the achievements of the system since its inception and the findings of the Interim Independent Assessment Panel that the system has made a good start and is an improvement over the previous system, and that the aims and objectives of the system have been achieved to a very great extent.

In the present report, the Secretary-General, as Chief Administrative Officer of the Organization, provides information on the functioning of the system of administration of justice for the calendar year 2016 and offers observations with respect thereto.

In its resolution 71/266, the General Assembly requested the Secretary-General to report to it on a number of matters at its seventy-second session. The present report includes a consolidated response to those requests.

The Assembly is invited to take action as set out in paragraphs 171 and 172.

* A/72/150

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** The annexes are being circulated in the language of submission only and without formal editing.

I. Overview

1. The current system of administration of justice at the United Nations was established by the General Assembly in its resolutions 61/261, 62/228 and 63/253 and came into operation on 1 July 2009. The Assembly decided in its resolution 61/261 that the system would be independent, transparent, professionalized, adequately resourced and decentralized, and that it would operate in a manner consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike.

2. The steps and processes in the formal system and their links with the informal system are depicted in annex I.

3. The present report reviews the functioning of the formal system in 2016 and provides statistics and observations with respect thereto. It also responds to specific requests of the General Assembly in its resolution 71/266.

II. Review of the formal system of justice

A. Observations on the operation of the formal system of administration of justice

4. The caseload statistics from 2009 through 2016 for the management evaluation function in the Secretariat and funds and programmes, the United Nations Dispute Tribunal, the United Nations Appeals Tribunal and the Office of Staff Legal Assistance are reflected in tables 1, 4, 5, 9 and 12 of the present report.

5. Review of these tables indicates that, while there have been some fluctuations from year to year, the caseload of each of these entities remains substantial and, in the case of the Office of Staff Legal Assistance, is increasing.

6. In 2016, nearly 71 per cent of the requests for management evaluation received by the Management Evaluation Unit came from staff in peacekeeping missions. They included several group requests related to retrenchment exercises in the field and to salary and benefits and entitlements. Since 2011, an increasing percentage of requests for management evaluation have come from such staff in the field.

7. In 2016, 37 per cent of the requests for legal assistance received by the Office of Staff Legal Assistance came from staff in peacekeeping missions. This continued a trend observed earlier, namely that staff in peacekeeping missions in the field constitute the Office's single largest client group.

8. The majority of applications filed with the United Nations Dispute Tribunal in 2016 related to benefits and entitlements, appointment-related matters and separation from service. These subject matter categories have featured prominently since the commencement of the system in 2009.

9. There continued to be a substantial number of self-represented staff members appearing before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, although the actual percentages have fluctuated from year to year.

10. In 2016, efforts to resolve applications in the formal system through informal means continued. Those efforts resulted in the resolution of a significant number of applications pending in the formal system without need for a final adjudication on the merits. Of the 944 requests for management evaluation received by the Management Evaluation Unit, 256 were resolved through the efforts of the Unit, by the decision makers or with the involvement of the Office of Staff Legal Assistance and/or the Office of the Ombudsman and Mediation Services. A total of 44 applications pending before the Dispute Tribunal were either informally resolved

between the parties or as a result of Tribunal case management or were withdrawn by applicants or mediated by the Office of the Ombudsman and Mediation Services.

11. A discernible link between decisions that affect large numbers of staff members and recourse by staff members to the formal system, first identified in earlier reports of the Secretary-General (A/69/227, A/70/187 and A/71/164) continued to be observed in 2016, and was reflected in the presence of group or cluster cases. Such a link appears to have become an ongoing feature of the system, although the issues may vary from year to year.

B. Management Evaluation Unit

1. Mandate

12. The Management Evaluation Unit in the Office of the Under-Secretary-General for Management is the first step in the formal system of administration of justice.[1] The core functions of the Unit are, inter alia, to: (a) carry out timely management evaluations of non-disciplinary administrative decisions contested by staff members relating to their terms and conditions of appointment; (b) assist the Under-Secretary-General in providing timely and reasoned responses to management evaluation requests; and (c) assist the Under-Secretary-General in realizing managerial accountability.[2] The management evaluation process provides the Administration and staff members with an opportunity to resolve disputes without unnecessary litigation, and to collect lessons learned for decision makers in order to reduce costs through better and more consistent decision-making.

13. When the Unit has recommended that a contested administrative decision be upheld, a written reasoned response is sent to the staff member concerned setting out the basis for the evaluation. Such a reasoned response is an important means of displaying fairness and establishing the credibility of the process. It also assists the staff member to understand the reasons for the administrative decision. In the Unit's experience, staff members who have sought recourse to the formal system, owing to a perceived lack of transparency or respect for them in the administrative decision-making process, are more likely to forgo further recourse to the United Nations Dispute Tribunal following management evaluation, as they perceive the process to be objective and fair.

2. Caseload, statutory time limits and resources

14. From 1 July 2009 to 31 December 2016, the Management Evaluation Unit received a total of 6,691 management evaluation requests, as set out in table 1.

Table 1
Management evaluation requests received

Year	*Requests received*
2009	184
2010	427
2011	952
2012	837
2013	933
2014	1 541[a]

[1] The separately administered funds and programmes handle management evaluation independently.
[2] ST/SGB/2010/9, sect. 10.

Year	*Requests received*
2015	873
2016	944
Total	1 817

[a] The increase in 2014 vis-à-vis previous years was primarily the result of two factors: (a) requests submitted by 637 staff members related to the outcome of one large Field Service recruitment exercise involving 28 generic job openings and over 30,000 applicants; and (b) requests from some 260 staff members from the International Tribunal for the Former Yugoslavia contesting the decision not to be granted a permanent appointment.

15. Table 2 shows the disposition of management evaluation requests filed in 2016 and closed by 31 December 2016. Of the requests received in 2016, the Unit closed 862 by 31 December 2016. During 2016, the Unit recommended compensation with respect to 10 management evaluation requests. Table 3 shows the outcome of applications filed with the Dispute Tribunal following management evaluation and decided on the merits in 2016.

Table 2
Disposition of management evaluation requests filed in 2016

Requests filed in 2016	*Decisions upheld*	*Decisions reversed*	*Requests moot*[a]	*Requests formally settled*	*Requests not receivable*	*Requests withdrawn*[a]	*Requests mistreated*	*Requests pending from 2016*[b]
944	307	10	212	19	278	25	11	82

[a] Includes mutually agreed resolutions.
[b] The number of closed cases as at 31 March 2017 was 931, thus reducing the number of pending cases to 13.

Table 3
Outcome of cases in the United Nations Dispute Tribunal in 2016[a]

Upheld	*Partially upheld*	*Overturned*
106	4	36

[a] Encompasses cases decided by the Tribunal on the merits. Fourteen applications in or prior to 2016 were withdrawn or discontinued for want of prosecution.

16. Of the 862 requests closed by the Unit by the end of 2016, 256 (27 per cent) were resolved through efforts by the Unit itself, by the decision maker(s) or with the involvement of the Office of Staff Legal Assistance or the Office of the Ombudsman and Mediation Services. In 29 per cent of closed cases, the request was deemed not receivable.

17. Of the 944 requests filed in 2016, 120 (approximately 13 per cent) had been challenged by staff members before the Dispute Tribunal by 31 March 2017.

18. In 2016, the Dispute Tribunal disposed of 146 applications on the merits in cases previously submitted for management evaluation. In those cases, the Tribunal's disposition was consistent with the position taken during management evaluation in 106 cases (approximately 72 per cent).

19. Out of the 862 requests received and closed in 2016, four included the payment of compensation, ranging from $833.45 to $5,000.00, for a total of $11,833.45, thereby avoiding further litigation and eliminating further exposure to potential awards of damages. Compensation ranging from $238.17 to $29,765.00, for a total of $52,073.66, was also paid to five staff members who had filed requests in 2015. The combined total for all cases in which compensation was paid in 2016 was $63,907.11. The remaining cases were resolved by either paying entitlements that were otherwise due to the staff member or by means of a non-monetary remedy. Information on compensation paid in accordance with recommendations of the Management Evaluation Unit is set out in annex V.

20. The Management Evaluation Unit handled several larger group cases, including: approximately 170 staff members of the United Nations Operation in Côte d'Ivoire who contested separation from service in two waves; roughly 110 staff members from the African Union-United Nations Hybrid Operation in Darfur (security guards) who contested issues regarding overtime and night differential; and roughly 110 cases from the latter operation which related to payment of 2015 overtime in Sudanese pounds rather than United States dollars.

21. Given that this high volume of requests for the year was consistent with the average in past years, the Unit continued to face challenges in meeting the statutory deadlines for management evaluation (30 calendar days for Headquarters staff and 45 calendar days for staff at offices away from Headquarters). In addition, the workload of the Unit in reviewing requests was affected by its approach to dealing actively with requests and reaching out to staff members and managers, and by its task of analysing potential lessons learned and formulating those lessons into guides and presentations to managers. Moreover, the Unit continued to make every effort to resolve cases before staff members resorted to litigation; such a resolution involves extensive communication with the staff member and the decision maker(s) and may exceed the statutory time frame. Furthermore, the Unit's need to track data on management evaluation requests through its database (MEUtrix) and manual cross-reference with the published decisions of the Tribunals created a need for time-consuming data entry, as well as database maintenance.

C. Management evaluation in the funds and programmes

22. Separately administered funds and programmes have their own management evaluation function, corresponding to that of the Management Evaluation Unit, which decides on requests from Headquarters, offices away from Headquarters and regional commissions. Statistics on management evaluation requests in funds and programmes for 2016 are provided in table 4.

Table 4
Management evaluation requests in 2016

United Nations Entity	*Total management evaluation requests filed*[a]	*Decisions upheld*[b]	*Requests settled*[c]	*Decisions appealed to the United Nations Dispute Tribunal*[d]	*Requests carried forward*[e]
United Nations Development Programme	12	9	3	4	5
Office of the United Nations High Commissioner for Refugees	100	104	7	19	46
United Nations Office for Project Services	4	2	-	2	-
United Nations Population Fund	12	2	3	3	0
United Nations Children's Fund	41	30	3	10	3
United Nations Entity for Gender Equality and the Empowerment of Women	2	1	1[f]	-	-

[a] Cases filed with the management evaluation entity within the respective United Nations entity in 2016.
[b] Includes cases carried over from 2015 and earlier, and cases received in 2016.
[c] Includes all cases in which the matter was settled in whole or in part as a result of management evaluation.
[d] Includes all cases that were appealed to the Dispute Tribunal in 2016.
[e] Includes all open cases that were not resolved in 2016 and were carried over to 2017.
[f] Withdrawn.

D. United Nations Dispute Tribunal

1. Composition

23. On 30 June 2016, the seven-year terms of three judges on the United Nations Dispute Tribunal expired: Judge Thomas Laker (Germany), Judge Vinod Boolell (Mauritius) and Judge Coral Shaw (New Zealand). They were replaced effective 1 July 2016 by three new judges: Judge Teresa Maria da Silva Bravo (Portugal), Judge Agnieszka Klonowiecka-Milart (Poland) and Judge Alexander W. Hunter Jr. (United States of America).

24. By its resolution 71/266, the General Assembly extended the term of the three ad litem judge positions, and the current incumbents, to 31 December 2017.

25. During the reporting period, Dispute Tribunal judges held two plenary meetings: in Nairobi from 16 to 20 May 2016, and in Geneva from 7 to 11 November 2016. Judge Rowan Downing (Australia) was elected president for one year, commencing 1 July 2016.

2. Judicial activities

(a) Caseload

26. In 2016, 383 new applications[3] were received and 401 applications were disposed of. As at 1 January 2016, 275 applications were pending with the Dispute Tribunal. On 31 December 2016, 257 applications remained pending. The new applications included two notable groups: one group of applications related to a periodic salary survey[4] that had been remanded back to the Dispute Tribunal by the Appeals Tribunal, and another group of applications related to non-renewal of fixed-term appointments because of the abolition of posts in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. Table 5 shows the number of applications received, disposed of and pending for previous years. Table 6 shows the breakdown by registry.

Table 5
United Nations Dispute Tribunal applications received, disposed of and pending, 2009-2016

Year	*Applications received*	*Applications disposed of*	*Applications pending (end of year)*
2009	281	98	183
2010	307	236	254
2011	281	271	264
2012	258	260	262
2013	289	325	226
2014	411	320	317
2015	438	480	275
2016	383	401[a]	257
Total	**2 648**	**2 391**	–

[a] Includes 220 judgments, four of which disposed of multiple applications, and one additional judgment on an application for interpretation of judgment (221 judgments in total); 56 applications for suspension of action disposed of by order (four of which were withdrawals); 60 other withdrawn applications closed by order, including as a result of informal resolution; 20 applications closed by inter-registry transfer on the basis of Dispute Tribunal orders; and 25 applications closed for want of prosecution. Of the 401 applications disposed of, 152 were filed in 2016, 163 in 2015, 72 in 2014, 10 in 2013 and 4 in 2012.

[3] The term "applications" includes any application, motion or other request brought before the Dispute Tribunal that results in the registration of a case.

[4] This group was described by the Secretary-General in A/70/187, para. 7; and A/71/164, para. 12.

Table 6
United Nations Dispute Tribunal applications received, disposed of and pending, by registry

	Applications received			*Applications disposed of*			*Applications pending (end of year)*		
Year	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*
2009	108	74	99	57	19	22	51	55	77
2010	120	80	107	101	59	76	70	76	108
2011	95	89	97	119	59	93	46	106	112
2012	94	78	86	106	76	78	34	108	120
2013	75	96	118	77	103	145	32	101	93
2014	209	115	87	67	128	125	174	88	55
2015	182	190	66	285	127	68	71	151	53
2016	215	92	76	147	163	91	139	80	38
Total	**1 098**	**814**	**736**	**959**	**734**	**698**	–	–	–

(b) Number of judgments, orders and court sessions

27. Table 7 shows the total number of judgments, orders and court sessions for the period 1 July 2009 to 31 December 2016. Table 8 shows the breakdown by duty station. Applications were disposed of by way of judgment or order. A judgment or order may dispose of more than one application.

Table 7
United Nations Dispute Tribunal judgments, orders and court sessions, 2009-2016

Year	*Judgments*	*Orders*	*Court sessions*[a]
2009	97	255	172
2010	217	679	261
2011	219	672	249
2012	208	626	187
2013	181	775	218
2014	148	827	258
2015	126	991	192
2016	221[b]	1 036[c]	183
Total	**1 417**	**5 861**	**1 720**

[a] A "court session" is a statistical unit used to ensure consistency among the three Dispute Tribunal registries in reporting on hearings. A hearing may consist of several daily court sessions (morning, afternoon and evening) and may be held over several days. In 2016, the court sessions included 66 case management discussions.

[b] The 221 judgments disposed of 247 applications (three judgments disposed of 24 related applications, one judgment disposed of seven applications), one application was disposed of by two consecutive judgments, one judgment disposed of an application for interpretation, and one judgment disposed of one application that was not pursued by the applicant.

[c] Includes orders that disposed of 154 applications (including 56 suspension of action applications, 44 withdrawals and 20 inter-registry transfers (technically counted as disposals)); 25 applications closed for want of prosecution; 514 orders relating to case management; 73 orders relating to extension of time; and 264 other orders.

Table 8
United Nations Dispute Tribunal judgments, orders and court sessions, by registry

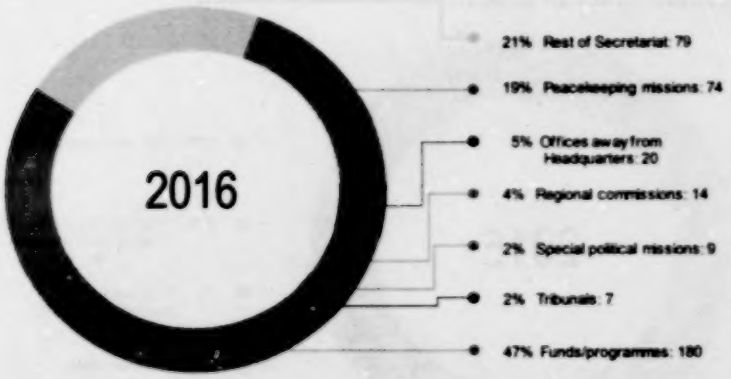
	Judgments			*Orders*			*Court sessions*		
Year	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*
2009	44	20	33	39	26	190	21	33	118
2010	83	52	82	93	248	338	54	116	91
2011	86	52	81	224	144	304	54	117	78
2012	79	65	64	172	183	271	24	88	75
2013	41	67	73	201	219	355	32	114	72
2014	37	67	44	197	275	355	31	119	108
2015	48	40	38	272	405	315	58	66	68
2016	64	107	50	250	501	285	55	60	68
Total	**482**	**470**	**465**	**1 448**	**2 001**	**2 413**	**329**	**713**	**678**

(c) Sources of applications

28. The categories of applicants who filed in 2016 were as follows: Director (20); Professional (113); General Service (153); Field Service (19); Security (16); National Staff (40); and others (22).

29. The 383 applications received during the reporting period were filed by staff members of a number of United Nations entities, as illustrated in figure I.

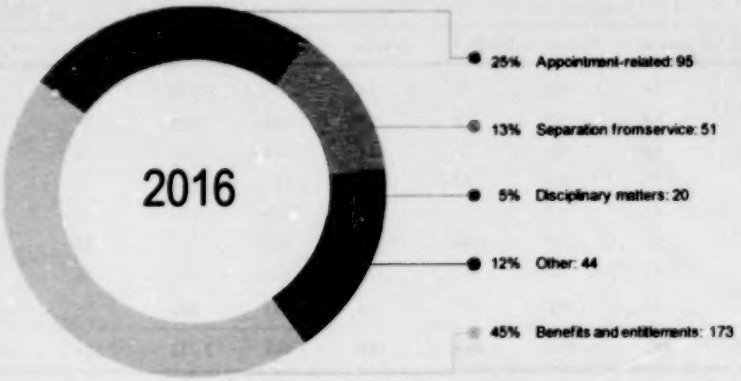
Figure I
Breakdown of applications by entity of the staff member



(d) Subject matter of applications

30. Applications received during the reporting period fell into five main categories: (a) benefits and entitlements: 173 applications; (b) appointment-related matters (non-selection, non-promotion and other related matters): 95 applications; (c) separation from service (non-renewal and other separation matters): 51 applications; (d) disciplinary matters: 20 applications; and (e) other: 44 applications. This is illustrated in figure II.

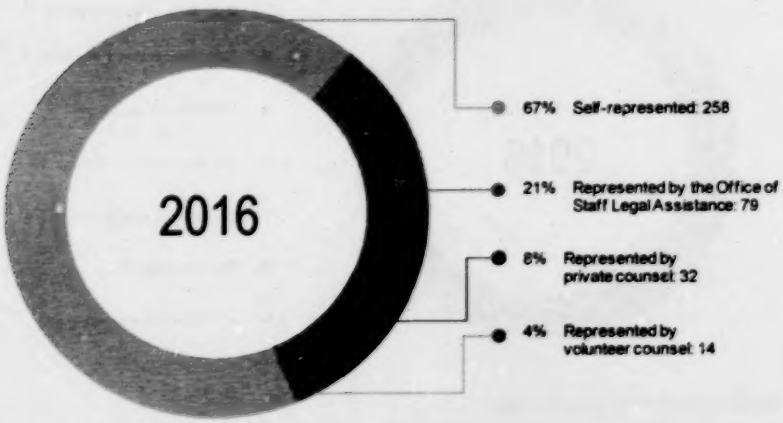
Figure II
Applications received by subject matter



(e) Representation of staff members

31. The Office of Staff Legal Assistance provided representation in 79 of the 383 applications received in 2016. [5] In 32 applications, staff members were represented by private counsel; in 14 applications, staff members were represented by volunteers who were either current or former staff members of the Organization; and in
258 applications, staff members represented themselves. This is illustrated in figure III below.

Figure III
Representation of staff members


2016
67% Self-represented: 258
21% Represented by the Office of Staff Legal Assistance: 79
8% Represented by private counsel: 32
4% Represented by volunteer counsel: 14

(f) Informal resolution

32. As a result of case management by the Dispute Tribunal leading to informal settlement, referrals by the Tribunal to mediation by the Office of the Ombudsman and Mediation Services, withdrawal by applicants following informal settlement

[5] Office of Staff Legal Assistance data on representation before the Dispute Tribunal may differ because the Office collects its data in a broader manner. The Office became co-counsel only in 2016 with respect to a number of applications filed with the Tribunal in 2015, while the Office also included cases in its count that had been received in earlier years but remained pending.

inter partes, or resolution by other means, a total of 44 applications pending before the Tribunal were resolved without the need for a final adjudication on the merits.

(g) Referral for mediation

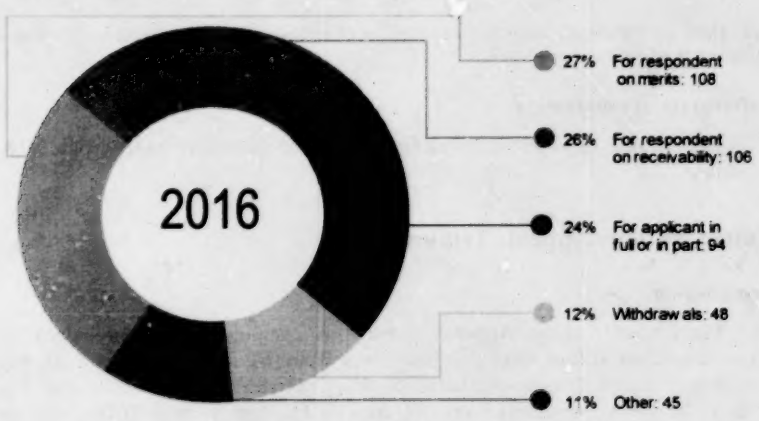
33. In 2016, six applications were successfully mediated by the Office of the Ombudsman and Mediation Services following a referral by the Dispute Tribunal under article 10.3 of its Statute.

(h) Outcomes

34. The outcomes of the 401 applications disposed of by the Dispute Tribunal in 2016 are illustrated in figure IV. The applications that were informally resolved or withdrawn while they were pending before the Tribunal are included under "Withdrawals".

35. In 2016, the applications rejected on receivability included 49 related applications concerning downsizing in a peacekeeping mission and 24 related applications concerning measures based on the results of a local salary survey.

Figure IV
Outcome of applications disposed of

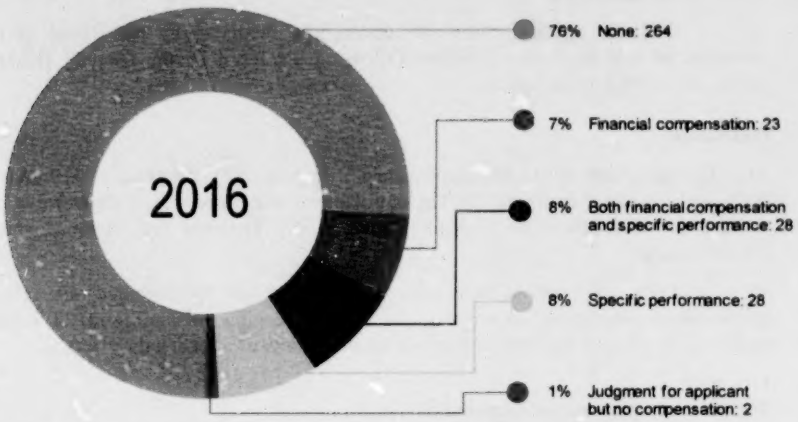

2016
27% For respondent on merits: 108
26% For respondent on receivability: 106
24% For applicant in full or in part: 94
12% Withdrawals: 48
11% Other: 45

Note: Includes applications for suspension of action.

(i) Relief

36. The Dispute Tribunal ordered relief as set out in figure V.

Figure V
Relief granted to applicants


2016
76% None: 264
7% Financial compensation: 23
8% Both financial compensation and specific performance: 28
8% Specific performance: 28
1% Judgment for applicant but no compensation: 2

Note: Does not include applications for suspension of action, as the only relief is the granting or rejection of such an application.

(j) Referral for accountability

37. The Dispute Tribunal made one referral for accountability under article 10.8 of its statute.[6]

E. United Nations Appeals Tribunal

1. Composition

38. The United Nations Appeals Tribunal is composed of seven judges. The seven-year terms of four judges — Judge Inés Weinberg de Roca (Argentina), Judge Luis María Simón (Uruguay), Judge Sophia Adinyira (Ghana) and Judge Mary Faherty (Ireland) — expired on 30 June 2016. On 1 July 2016, four new judges — Judge John Raymond Murphy (South Africa), Judge Dimitros Raikos (Greece), Judge Sabine Knierim (Germany) and Judge Martha Halfeld Furtado de Mendonça Schmidt (Brazil) — began their seven-year terms.

39. In June 2016, the Appeals Tribunal elected its bureau for the term 1 July 2016 to 30 June 2017, with Judge Deborah Thomas-Felix (Trinidad and Tobago) serving as President, Judge Richard Lussick (Samoa) as First Vice-President and Judge Rosalyn Chapman (United States) as Second Vice-President.

2. Judicial work

(a) Sessions

40. The Appeals Tribunal held three sessions in 2016: from 14 to 25 March, 20 to 30 June and 17 to 28 October.

41. At those sessions, the Appeals Tribunal heard and passed judgment on appeals filed against judgments rendered by the United Nations Dispute Tribunal (see Statute of the United Nations Appeals Tribunal, art. 2.1), appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund (see Statute of the United Nations Appeals Tribunal,

[6] UNDT/2016/094.

art. 2.9), and appeals against judgments and decisions in connection with entities that had concluded special agreements with the Secretary-General of the United Nations (see Statute of the United Nations Appeals Tribunal, art. 2.10): the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the International Civil Aviation Organization (ICAO) and the International Tribunal for the Law of the Sea.

42. The Appeals Tribunal held two oral hearings in 2016.

(b) Caseload

43. In 2016, 170 new appeals were received and 221 appeals were disposed of. As at 1 January 2016, 147 appeals were pending. On 31 December 2016, 96 appeals remained pending. Table 9 shows the number of appeals received, disposed of and pending for 2016 and previous years.

Table 9
Appeals Tribunal appeals received, disposed of and pending, 2009-2016

Year	*Appeals received*	*Appeals disposed of*	*Appeals pending*
2009	19	–[a]	19
2010	167	95	91
2011	96	104	83
2012	142	103	122
2013	125	137	110
2014	137	146	101
2015	191	145	147
2016	170	221	96
Total	**1 047**	**951**	–

[a] The Appeals Tribunal did not hold a session in 2009; it held its first session in the spring of 2010.

44. Table 10 shows the number of interlocutory motions received in 2016 and in previous years.

Table 10
Appeals Tribunal interlocutory motions received, 2010-2016

Year	*Interlocutory motions received*
2010	26
2011	38
2012	45
2013	39
2014	84
2015	81
2016	45
Total	**358**

(c) Sources of appeals

45. The 170 new appeals filed in 2016 included 148 appeals against judgments of the United Nations Dispute Tribunal (105 filed by staff members and 43 filed on behalf of the Secretary-General); four appeals of decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 12 appeals against judgments rendered by the UNRWA Dispute Tribunal (all brought by staff members); one appeal against a decision of the Secretary-General of ICAO;

and one appeal against a decision of the registrar of the International Court of Justice. They also included three applications for revision of Appeals Tribunal judgments and one application for interpretation of an Appeals Tribunal judgment.

46. The ratio of appeals filed by staff members compared with those filed on behalf of the Secretary-General changed from 2015 to 2016. In 2015, 89 per cent of the appeals were filed by staff members and 11 per cent were filed on behalf of the Secretary-General; in 2016, 71 per cent of the appeals were filed by staff members and 29 per cent were filed on behalf of the Secretary-General.

47. Figure VI shows the breakdown of the appeals received in 2016.

Figure VI
Breakdown of the appeals received

2016
2% Appeals of decisions of Standing Committee (UNJSPB): 4
7% Appeals against judgments of UNRWA DT: 12
1% Appeals against decisions of the Secretary-General of ICAO: 1
1% Appeals against decision of the Registrar of the ICJ: 1
2% Applications for revision or interpretation of a UNAT judgment: 4
87% Appeals against UNDT judgments:148

Note: DT, Dispute Tribunal; ICAO, International Civil Aviation Organization; ICJ, International Court of Justice; UNAT, United Nations Appeals Tribunal; UNDT, United Nations Dispute Tribunal; UNJSPB, United Nations Joint Staff Pension Board; UNRWA, United Nations Relief and Works Agency for Palestine Refugees in the Near East.

48. Table 11 reflects a breakdown of judgments, orders and hearings for the period 2009 to 2016.

Table 11
United Nations Appeals Tribunal judgments, orders and hearings, 2009-2016

Year	*Judgments*	*Orders*	*Hearings*
2009	–	–	–
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
2014	100	42	1
2015	114	39	2
2016	101	27	2
Total	**711**	**274**	**25**

(d) Representation of staff members

49. The representation of staff members with respect to the 170 appeals received in 2016 is broken down in figure VII.

Figure VII
Representation of staff members

1% Represented by volunteer counsel: 2
14% Represented by private counsel: 24
5% Represented by UNRWA Legal Office-Staff Assistance: 8
38% Self-represented: 65
42%
Represented by Office of Staff Legal Assistance: 71*
2016

* The Office represented 322 staff members in 71 appeals.

(e) Outcomes

50. The 101 judgments rendered by the Appeals Tribunal in 2016 disposed of 218 appeals. The Appeals Tribunal disposed of 187 appeals against judgments of the United Nations Dispute Tribunal (in 73 Appeals Tribunal judgments), two appeals against ICAO decisions, one appeal against a decision of the International Tribunal for the Law of the Sea, two appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board and 22 appeals against UNRWA Dispute Tribunal judgments (in 19 United Nations Appeals Tribunal judgments). The Appeals Tribunal also rendered four judgments on applications for interpretation and revision, which are included in the count of 218. The Appeals Tribunal further considered three cross-appeals, which it disposed of in the respective judgments on the appeals; the cross-appeals are not counted separately.

51. Overall, the Appeals Tribunal disposed of 218 appeals by judgment (two applications from ICAO staff; one application from International Tribunal for the Law of the Sea staff; 187 appeals against United Nations Dispute Tribunal judgments; two applications against decisions by the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 22 appeals against UNRWA Dispute Tribunal judgments and four interpretation/revision cases), and closed three appeals by judicial order or administratively.

52. Figures VIII and IX illustrate the outcomes of appeals against United Nations Dispute Tribunal judgments, by party.

Figure VIII
Outcome of appeals filed by staff members against United Nations Dispute Tribunal judgments

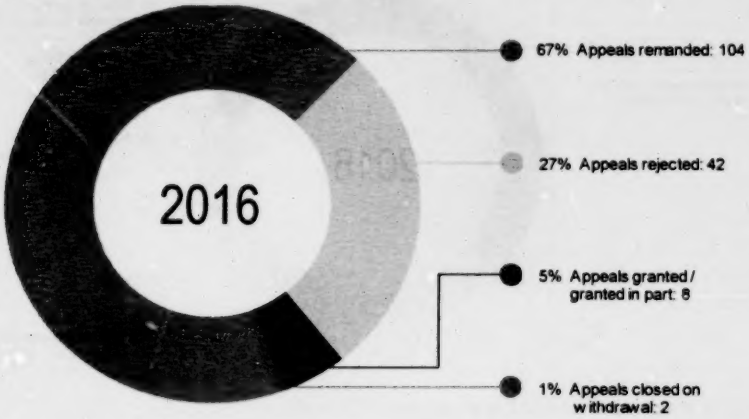
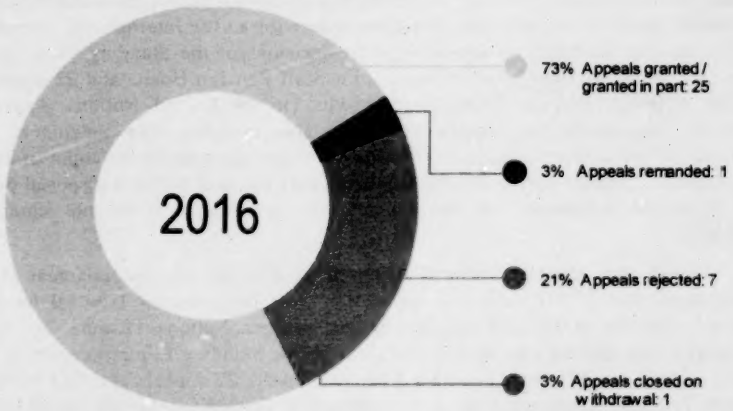


Figure IX
Outcome of appeals filed on behalf of the Secretary-General against United Nations Dispute Tribunal judgments



(f) Relief

(i) Appeals against United Nations Dispute Tribunal judgments

53. In two appeals, the Appeals Tribunal vacated or modified the award of compensation and vacated the specific performance ordered by the United Nations Dispute Tribunal. In 35 appeals, the Appeals Tribunal vacated or modified the compensation awarded by the Dispute Tribunal, and in five appeals the Appeals Tribunal vacated the Dispute Tribunal's specific performance order. In 10 appeals, the Appeals Tribunal affirmed the Dispute Tribunal's order for specific performance in relation to the consideration of the conversion of the fixed-term appointments of 255 staff members to permanent appointments; so far this has resulted in the conversion of over 80 such appointments. The Appeals Tribunal remanded 105 appeals to the Dispute Tribunal. This included the remand of one cluster of 98 appeals.

(ii) Appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board

54. In two judgments, the Appeals Tribunal dismissed the appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board.

(iii) Appeals against decisions of the Secretary-General of the International Civil Aviation Organization

55. In two judgments, the Appeals Tribunal dismissed the appeals against decisions by the Secretary-General of ICAO.

(iv) Appeal against a decision of the International Tribunal for the Law of the Sea

56. In one judgment, the Appeals Tribunal dismissed the appeal against a decision by the International Tribunal for the Law of the Sea.

(v) Appeal against judgments by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

57. In one judgment, the Appeals Tribunal ordered compensation when none had been ordered in the first instance. The Appeals Tribunal remanded two appeals to the UNRWA Dispute Tribunal.

(vi) Costs

58. In three judgments, the Appeals Tribunal vacated an order of costs against staff members. In one appeal, the Appeals Tribunal awarded costs against UNRWA staff members. In one appeal, the Appeals Tribunal affirmed the orders of costs against the concerned staff member.

(g) Referral for accountability

59. The Appeals Tribunal made no referrals for accountability in 2016.

F. Office of Staff Legal Assistance

1. Framework

60. The Office of Staff Legal Assistance continued to provide summary advice and representation to United Nations staff worldwide, at all levels, on a wide range of employment matters, from non-appointment to termination, to claims of discrimination, harassment or abuse of authority, to pension benefits, to disciplinary and misconduct cases, to other rights and entitlements under the staff rules.

2. Outreach and training activities

61. In 2016, the Office of Staff Legal Assistance visited one peacekeeping mission, as well as the United Nations Office at Vienna. The Office of Staff Legal Assistance participated in regular outreach and training activities for United Nations staff members in the five duty stations, with a presence in addition to outreach and training activities organized by staff associations at those duty stations.

62. These activities provided invaluable opportunities for the Office's legal officers to inform staff, staff associations and managers about the internal justice system, including the Office's role. A recurring observation from these activities and the Office's day-to-day work with clients is that many staff members, especially in the deep field, have limited knowledge of the internal justice system. The Office continues to receive and accept invitations from peacekeeping missions and other operations, and from staff associations, to conduct outreach and training activities.

63. During 2016, the Office explored possibilities for targeted outreach in 2017, continuing to focus on areas in which there were large numbers of United Nations staff and little or no visible presence of the internal justice system, to include Latin America and Asia, and West and Central Africa.

3. Statistics

64. The Office provides a wide range of legal services to staff, including summary legal advice, advice and representation during informal dispute resolution and the mediation process, assistance with the management evaluation review and during the disciplinary process, and legal representation of staff before the Tribunals and other recourse bodies. Each request for legal assistance is tracked as a "case", although the time and action required on the part of the legal officer may vary.

(a) Requests for legal assistance

65. In 2016, the Office's workload included 2,034 requests for legal assistance. Of these, 1,756 were newly opened in 2016 and 278 were carried over from previous years. In 2016, 1,802 requests were closed or resolved. As at 31 December 2016, there were 232 requests pending. The number of requests received and their breakdown by type of matter is illustrated in table 12.

Table 12
Requests for legal assistance received by the Office of Staff Legal Assistance, 2009-2016

Year	*Summary advice*	*Management evaluation matters*	*Representation before the United Nations Dispute Tribunal*	*Representation before the United Nations Appeals Tribunal*	*Disciplinary matters*	*Other*	*Total*	*Pending requests*
2009	171	62	168	13	155	31	600	377
2010	309	90	77	39	70	12	597	261
2011	361	119	115	21	55	10	681	293
2012	630	198	96	31	46	28	1 029	234
2013	491	116	70	33	37	18	765	213
2014	798	210	102	15	44	11	1 180	222
2015	830	196	415	16	33	12	1 502	278
2016	1 006	319	71	322[a]	35	3	1 756	232
Total	**4 596**	**1 310**	**1 114**	**490**	**475**	**125**	**8 108**	–

[a] There were a total of 71 appeals before the Appeals Tribunal, but these included two joinder cases: one with 245 staff members and one with 7. The Office counts each staff member client as a separate "case" or request.

66. The nature of "summary advice" requests varies. Such requests often result in the resolution of the dispute. They involve gathering information, conducting legal research, identifying the strengths and weaknesses of a case, and advising the client on options for seeking redress and likely outcomes and implications of a particular course of action or approach. These requests do not involve preparing submissions to a formal body such as the Management Evaluation Unit or the Tribunals or, in cases of alleged misconduct, writing to the Administration or otherwise representing a staff member.

67. "Management evaluation" cases are those requests in which the Office holds consultations and provides legal advice to staff members, drafts management evaluation requests on their behalf, holds discussions with the Management Evaluation Unit or equivalent entity within the funds and programmes, and negotiates settlements or agreed outcomes.

68. "Disciplinary matters" are those in which the Office provides assistance to staff members in responding to allegations of misconduct under the Staff Rules.

69. In requests relating to "representation before the United Nations Dispute Tribunal" and "representation before the United Nations Appeals Tribunal", the Office holds consultations and provides legal advice to staff members, drafts submissions on their behalf, provides legal representation at oral hearings, holds discussions with opposing counsel and, to the extent possible, negotiates settlements.

70. The Office similarly provides advice and assistance in submissions and processes before other formal bodies, and represents staff in mediation.

(b) Breakdown of requests

71. Figures X to XVI provide various breakdowns of the 1,756 requests for legal assistance received in 2016.

Figure X
Requests for legal assistance, by subject matter

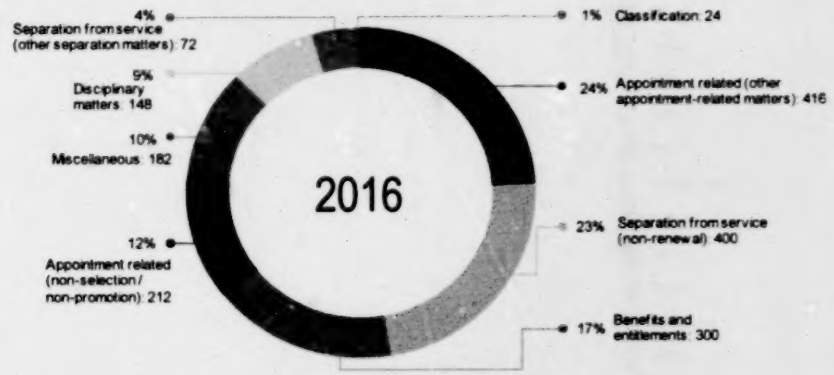
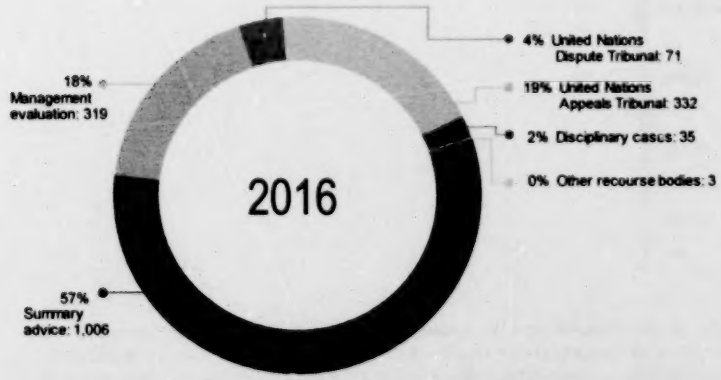

2016
4% Separation from service (other separation matters): 72
9% Disciplinary matters: 148
10% Miscellaneous: 182
12% Appointment related (non-selection / non-promotion): 212
1% Classification: 24
24% Appointment related (other appointment-related matters): 416
23% Separation from service (non-renewal): 400
17% Benefits and entitlements: 300

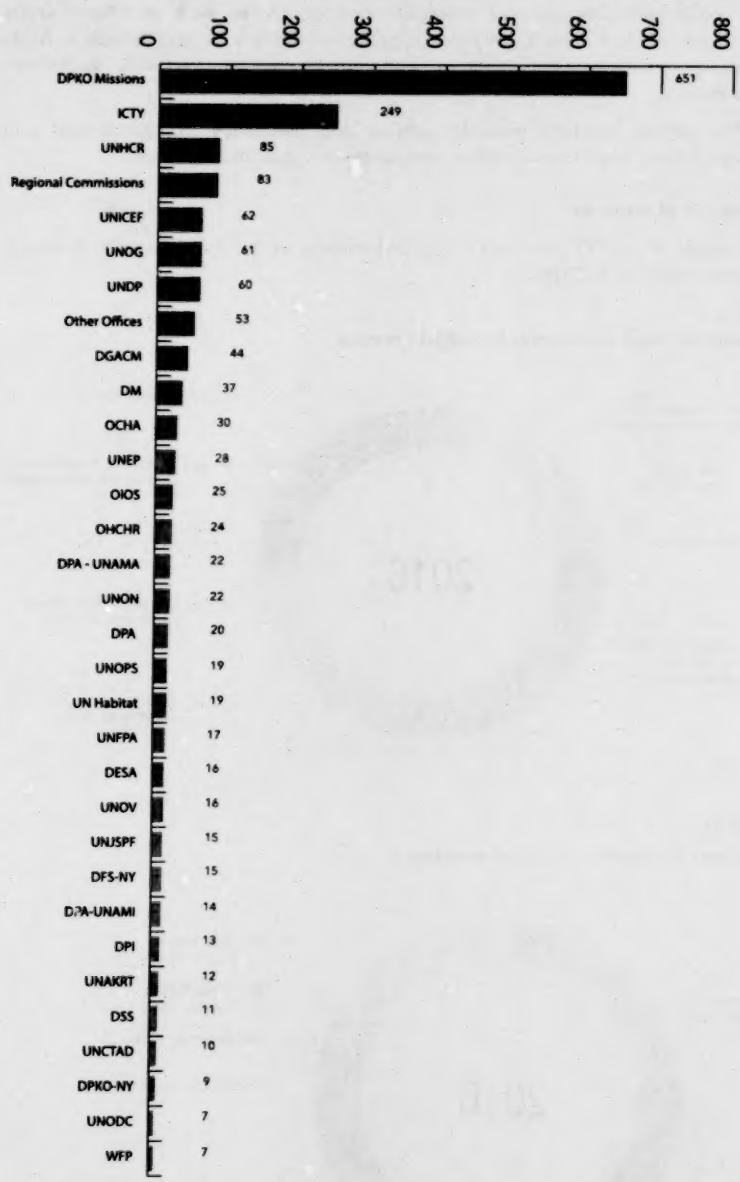
Figure XI
Treatment of requests for legal assistance


2016
18% Management evaluation: 319
57% Summary advice: 1,006
4% United Nations Dispute Tribunal: 71
19% United Nations Appeals Tribunal: 332
2% Disciplinary cases: 35
0% Other recourse bodies: 3

Note: There were a total of 71 appeals before the Appeals Tribunal, but these included two joinder cases: one with 245 staff members and one with 7. "Summary advice" is defined in paragraph 66.

Figure XII

United Nations entity in which the staff member was employed at the time of request for legal assistance



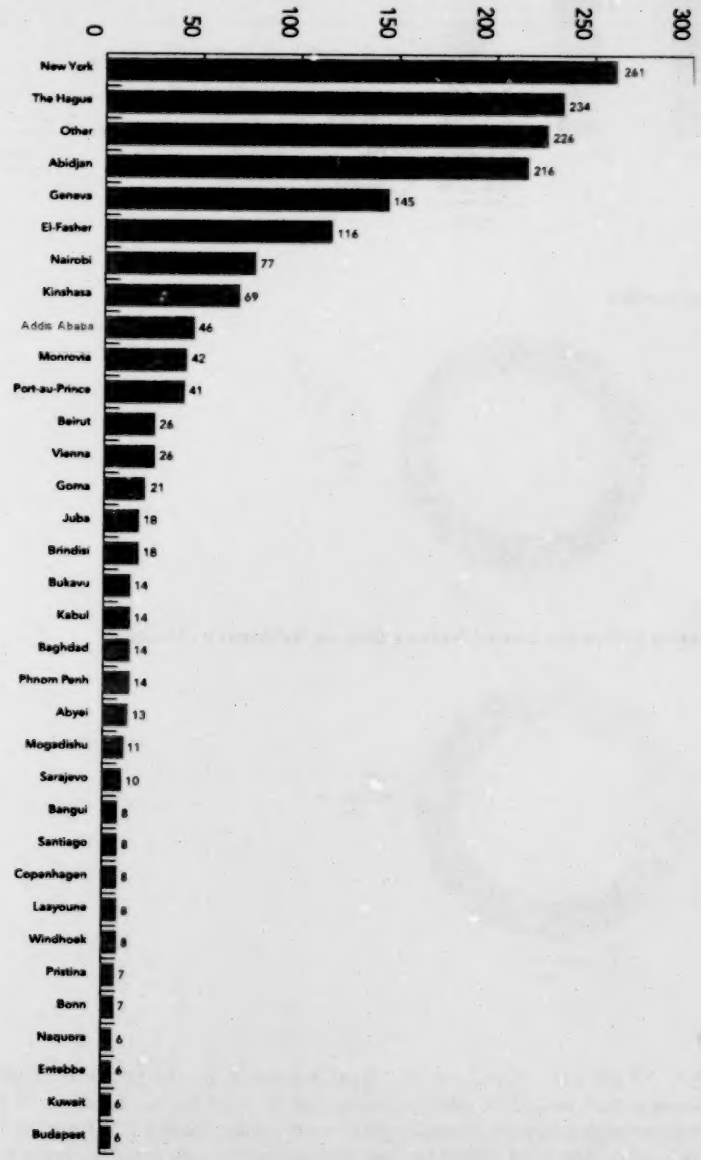
Abbreviations: DESA, Department of Economic and Social Affairs; DFS, Department of Field Support; DGACM, Department for General Assembly and Conference Management; DM, Department of Management; DPA, Department of Political Affairs; DPKO, Department of Peacekeeping Operations; DSS, Department of Safety and Security; ICTY: International Tribunal for the Former Yugoslavia; NY, New York; OCHA, Office for the Coordination of Humanitarian Affairs; OHCHR, Office of the United Nations High Commissioner for Human Rights; OIOS, Office of Internal Oversight Services; UNAKRT, United Nations Assistance to the Khmer Rouge Trials UNAMA, United Nations Assistance Mission in Afghanistan; UNAMI, United Nations Assistance Mission for Iraq; UNCTAD, United Nations Conference

on Trade and Development; UNDP, United Nations Development Programme; UNEP, United Nations Environment Programme; UNFPA, United Nations Population Fund; UN-Habitat, United Nations Human Settlements Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNJSPF, United Nations Joint Staff Pension Fund; UNODC, United Nations Office on Drugs and Crime; UNOG, United Nations Office at Geneva; UNON, United Nations Office at Nairobi; UNOV, United Nations Office at Vienna; WFP, World Food Programme.

Note: The column "Other offices" includes other United Nations offices with five or fewer requests during the reporting period.

Figure XIII

Requests by duty station of the staff member client



Note: All duty stations with five or fewer requests are in the "Other" category.

Figure XIV
Regional distribution of requests for legal assistance

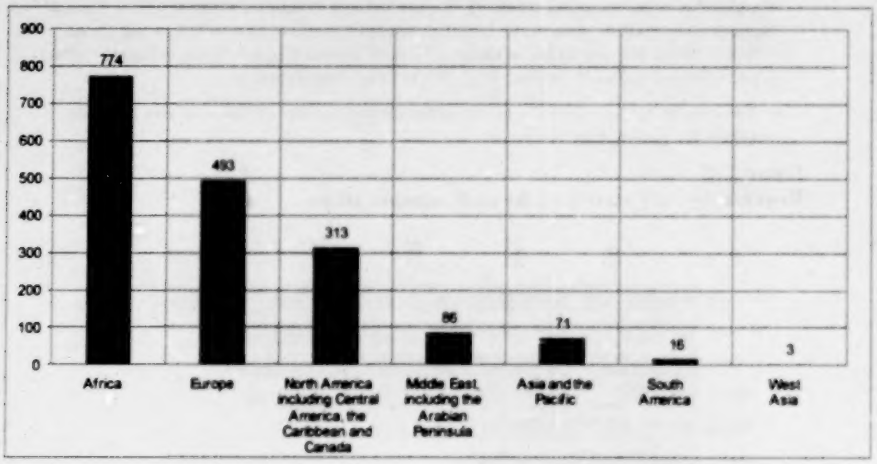
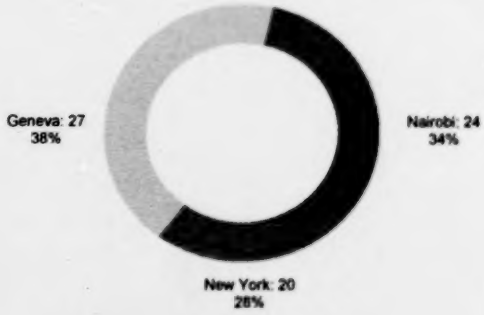


Figure XV
Requests by gender

Figure XVI
Representation before the United Nations Dispute Tribunal by location



4. Settlement

72. In 2016, 57 per cent of requests for legal assistance by the Office of Staff Legal Assistance were settled or otherwise disposed of prior to the initiation of a formal dispute through a dispute resolution mechanism under chapter XI of the Staff Rules. Of two cases that were mediated, one was settled by negotiated agreement. Of those cases which went to formal dispute resolution mechanisms, negotiated agreements were achieved in 27 of 319 cases before the Management Evaluation Unit, and

in 15 of 71 cases before the United Nations Dispute Tribunal. Table 13 shows the breakdown of the requests that were settled.

Table 13
Requests settled and closed in 2016

Stage of process	*Total number of cases in 2016*	*Total number of cases settled in 2016*
Office of Staff Legal Assistance summary advice	1 006	14
Management Evaluation Unit	319	27
United Nations Dispute Tribunal	71	15
Administration (disciplinary cases)	35	1
Ombudsman (mediation cases)	2	1
Total	**1 433**	**58**

G. Office of the Executive Director

73. During the reporting period, the Office of the Executive Director of the Office of Administration of Justice coordinated the preparation of the reports of the Secretary-General on the administration of justice at the United Nations (A/71/164), and on the findings and recommendations of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations, and revised estimates relating to the programme budget for the biennium 2016-2017 (A/71/163), in relation to the report of the Interim Independent Assessment Panel on the system of administration of justice at the United Nations (A/71/62/Rev.1).

74. The Office of Administration of Justice provided additional information to the Advisory Committee on Administrative and Budgetary Questions and the Fifth and Sixth Committees of the General Assembly, as requested, during their deliberations on the above reports. The consideration by the General Assembly of the internal system of justice resulted in its resolution 71/266.

75. The Office of Administration of Justice provided administrative and technical support, as appropriate, to the Internal Justice Council in connection with its mandate, including with respect to its meetings and teleconferences and the preparation of its annual report to the General Assembly (A/71/158). Following the end of the mandate of the previous Council in November 2016, four new members of the Council nominated by staff and management, respectively, were appointed by the Secretary-General. Those four members chose the fifth member to serve as Chair, who has been appointed by the Secretary-General. The members of the Council, whose mandate ends on 12 November 2020, are as follows (in alphabetical order):

(a) Carmen Artigas, distinguished external jurist nominated by staff;

(b) Frank Eppert, management representative;

(c) Samuel Estreicher, distinguished external jurist nominated by management;

(d) Jamshid Gaziyev, staff representative;

(e) Justice Yvonne Mokgoro, Chair.

76. Based on the public process to identify suitable candidates for judicial vacancies at the United Nations Dispute Tribunal and the United Nations Appeals Tribunal instituted by the Council in 2015, the General Assembly filled seven judicial vacancies on 18 November 2015 from the candidates recommended by the Council. The newly appointed judges took up their functions on 1 July 2016. At the request of the Presidents of both Tribunals, the Office of Administration of Justice

supported the Presidents in organizing induction programmes for the new judges. The Office also assisted in facilitating swearing-in ceremonies for the seven new judges in New York, Geneva and Nairobi. The new Appeals Tribunal judges and the new Dispute Tribunal half-time judge were sworn in by the Secretary-General in New York on 30 June 2016, and the two new Dispute Tribunal judges were sworn in by the Directors-General of the United Nations Offices at Geneva and Nairobi on 1 July 2016.

77. The Office of Administration of Justice continued to enhance online search capabilities for users of the jurisprudential search engine by making more advanced search features available, enhanced the court case management system platform for electronic filing and data-reporting purposes and updated the Office website as required. There were 108,225 visitors to the Office website in 2016, of which nearly 33 per cent were new visitors.

78. The Office of Administration of Justice continued to disseminate information about the system of administration of justice through outreach and training activities involving the Office of Staff Legal Assistance, the United Nations Dispute Tribunal registries and the Office of Administration of Justice website. Outreach activities provided valuable opportunities to inform staff members, managers and staff representatives about the internal justice system. One observation from the outreach activities is that many staff members still appear to have limited awareness of the system, including how to access its available remedies. In organizing outreach activities, the Office of Administration of Justice partners with hosting entities.

79. The Office of Administration of Justice also organized professional development and skills training for legal officers and legal assistants working in the internal justice system.

H. Legal offices representing the Secretary-General as respondent

1. Representation before the United Nations Dispute Tribunal

(a) Administrative Law Section, Office of Human Resources Management

80. The Administrative Law Section comprises the Appeals Unit and the Disciplinary Unit. The Administrative Law Section represents the Secretary-General in the majority of cases brought by Secretariat staff members before the United Nations Dispute Tribunal. The Section is also responsible for ensuring the implementation of final judgments. This means that the Section continues to handle a case after adjudication by the Dispute Tribunal.

81. The Administrative Law Section is located in the Human Resources Policy Service of the Office of Human Resources Management. Its legal officers are posted in New York and Nairobi. The Section works closely with other offices within the Office of Human Resources Management, as legal challenges before the Dispute Tribunal often focus on the application and interpretation of the Staff Rules, Secretary-General's bulletins and other administrative issuances. The Administrative Law Section also advises Secretariat managers on the internal justice system and investigative and disciplinary processes.

82. In 2016, the Administrative Law Section handled 424 applications before the Dispute Tribunal brought by Secretariat staff members against the Secretary-General.[7] Of the matters handled, 142 were new applications received in 2016. In 2015, the Section received 263 new applications. The applications handled in 2016 primarily concerned challenges relating to appointment, separation from service, benefits and entitlements, imposition of disciplinary measures, and classification matters. The breakdown of applications for 2016 and previous years is set out in table 14.

[7] This number includes cases carried over from 2015 and earlier, as well as cases brought in 2016.

Table 14
Breakdown of applications handled by the Administrative Law Section before the United Nations Dispute Tribunal, 2011-2016

Type of case handled[a]	*2011*[b]	*2012*[b]	*2013*[b]	*2014*[b]	*2015*[b]	*2016*[b]
Appointment	123	138	230	174	152	134
Separation from service	62	55	70	64	158	131
Other	43	48	59	82	66	56
Benefits and entitlements	40	43	52	69	84	74
Disciplinary	60	45	42	29	30	25
Classification	9	4	12	12	5	4
Total	**337**	**333**	**465**	**430**	**495**	**424**

[a] Includes all applications in which the Section represented the Secretary-General as respondent, regardless of whether a judgment was issued, including suspension of action applications and requests for revision and interpretation.

[b] Includes applications received that year and those carried over from previous years.

83. In addition to handling applications before the United Nations Dispute Tribunal, the Administrative Law Section liaises with the Office of Legal Affairs when the Dispute Tribunal issues a judgment. The Office of Legal Affairs determines whether to appeal the judgment to the Appeals Tribunal. Subsequent to final judgments, the Section obtains the information necessary and conveys the judgments to the relevant officials, including to the Controller, for execution.

84. The Disciplinary Unit provides recommendations to senior management regarding the disposition of matters referred to the Office of Human Resources Management for possible disciplinary action. In 2016, the Unit handled 229 disciplinary matters. Information on disciplinary matters is published in an annual report from the Secretary-General to the General Assembly entitled "Practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour" (see A/72/209 for information for the 12-month period ending 30 June 2017).

(b) Offices away from Headquarters, funds and programmes, and regional commissions

85. Offices away from Headquarters, funds and programmes, and regional commissions are typically represented before the United Nations Dispute Tribunal by their own legal officers. Statistics for 2016 and previous years on the outcome and type of cases of these entities before the Tribunal are provided in tables 15 and 16.

Table 15
Outcome of applications before the United Nations Dispute Tribunal, 2016

United Nations Entity	*Total cases*[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
ECA	11	1	1	0	1	8
UN-Habitat	-	-	-	-	-	-
UN-Women	4	1	2	-	1	-
UNDP	61	3	25	3	2	28
UNEP	1	-	1	-	-	1
UNFPA	9	-	8	-	1	29
UNHCR	17	3	3	-	11	35
UNICEF	44	1	2	-	4	37
UNOG[c]	17	9	5	1	3	8

United Nations Entity	*Total cases*[a]	*Cases settled or withdrawn*	*Decision upheld*	*Decision partially upheld*	*Decision overturned*	*Final outcomes pending*[b]
UNON	4	-	1	-	1	2
UNOPS	7	-	3	-	-	4

Abbreviations: ECA, Economic Commission for Africa; UNDP, United Nations Development Programme; UNEP, United Nations Environment Programme; UNFPA, United Nations Population Fund; UN-Habitat, United Nations Human Settlements Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNOG, United Nations Office at Geneva; UNON, United Nations Office at Nairobi; UNOPS, United Nations Office for Project Services.

[a] Includes all applications in which the entity represented the Secretary-General as respondent (including suspension of action applications) that were disposed of by the Tribunal or were otherwise settled in 2016, regardless of when the application was received.

[b] Includes the total number of final outcomes pending before the Tribunal as at 31 December 2016, regardless of when the application was received, in cases in which the entity represented the Secretary-General as respondent.

[c] The United Nations Office at Geneva also represents the United Nations Office at Vienna; the Office of the United Nations High Commissioner for Human Rights; the Office for the Coordination of Humanitarian Affairs — Geneva; the Economic Commission for Europe; the International Trade Centre; the secretariat of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa; the United Nations Compensation Commission; the United Nations Conference on Trade and Development; the United Nations Institute for Disarmament Research; the United Nations Interregional Crime and Justice Research Institute; the United Nations Office on Drugs and Crime; the United Nations Research Institute for Social Development; and the United Nations Office for Disaster Risk Reduction.

Table 16

Breakdown of applications before the United Nations Dispute Tribunal, 2010-2016

Type of case handled[a]	*United Nations entity*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*
Appointment	ECA	-	-	2	-	3	2	-
	UN-Habitat	2	-	-	-	-	1	-
	UN-Women	-	-	-	1	1	1	1
	UNDP	-	-	-	3	1	4	7
	UNEP	–	–	–	–	3	2	–
	UNFPA	-	-	3	1	1	2	-
	UNHCR	13	11	18	12	6	15	16
	UNICEF	-	-	1	2	4	-	4
	UNOG	–	5	8	14	19	8	11
	UNON	-	1	1	1	2	-	-
	UNOPS	-	-	-	1	1	-	2
Disciplinary	ECA	-	-	2	-	3	2	-
	UN-Habitat	–	1	–	–	–	–	–
	UN-Women	-	-	-	-	-	-	-
	UNDP	-	-	7	2	1	-	2
	UNFPA	-	-	2	-	-	1	1
	UNHCR	4	-	1	1	3	2	1
	UNICEF	4	-	2	1	-	1	-
	UNOG	-	1	-	2	2	12	1
	UNON	-	-	-	-	-	-	-
	UNOPS	2	1	4	2	-	1	1

Type of case handled[a]	*United Nations entity*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*
Separation from service	ECA	-	-	1	2	-	1	2
	UN-Habitat	-	1	1	2	1	-	-
	UN-Women	-	-	-	-	-	-	-
	UNDP	-	-	7	7	8	13	10
	UNEP	-	-	2	2	4	1	-
	UNFPA	-	-	4	1	1	2	2
	UNHCR	3	13	1	1	6	2	4
	UNICEF	3	6	1	3	5	2	2
	UNOG	–	2	3	2	4	10	2
	UNON	-	3	4	2	-	-	1
	UNOPS	4	3	2	3	1	1	1
Benefits and entitlements	ECA	-	-	-	1	1	1	2
	UN-Habitat	1	1	-	-	-	-	-
	UN-Women	-	-	-	-	-	-	3
	UNDP	-	-	-	-	28	31	38
	UNEP	-	-	-	1	-	-	-
	UNFPA	-	-	-	-	28	28	23
	UNHCR	1	1	-	-	19	-	14
	UNICEF	-	1	-	1	-	111	30
	UNOG	-	2	2	7	3	8	5
	UNON	-	3	4	17	15	4	2
	UNOPS	3	2	2	2	2	-	1
Other	ECA	-	-	1	1	1	1	1
	UN-Habitat	1	-	-	2	4	1	-
	UN-Women	-	-	-	-	-	-	-
	UNDP	-	-	4	4	6	8	4
	UNEP	-	1	5	12	3	1	1
	UNFPA	-	-	-	-	8	10	11
	UNHCR	6	2	3	1	3	1	1
	UNICEF	2	-	-	-	3	1	2
	UNOG	–	4	5	3	3	3	9
	UNON	-	3	5	11	12	2	1
	UNOPS	-	-	1	3	1	1	2
Total		**49**	**68**	**109**	**134**	**195**	**298**	**211**

Abbreviations: ECA, Economic Commission for Africa; UNDP, United Nations Development Programme; UNEP, United Nations Environment Programme; UNFPA, United Nations Population Fund; UN-Habitat, United Nations Human Settlements Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNOG, United Nations Office at Geneva; UNON, United Nations Office at Nairobi; UNOPS, United Nations Office for Project Services; UN-Women, United Nations Entity for Gender Equality and the Empowerment of Women.

[a] Includes all cases in which the entity represented the Secretary-General as respondent, regardless of whether a judgment was issued, including suspension of action applications.

2. Representation of the Secretary-General before the United Nations Appeals Tribunal

Office of Legal Affairs

86. As the central legal service of the Organization, the Office of Legal Affairs provides legal advice to the Secretary-General, the departments and offices of the Secretariat, the separately administered funds and programmes and other subsidiary bodies, as well as other United Nations system entities, in a number of areas, including the system of administration of justice. Within the Office, the organizational unit entrusted with the responsibility for providing legal advice regarding administration and management matters is the General Legal Division.

87. The functions of the Division in this area include: (a) reviewing all administrative issuances relating to human resources management policy for consistency and accuracy prior to their promulgation; (b) providing legal advice on the interpretation of the Charter of the United Nations, the resolutions and decisions of the General Assembly, and the Staff Regulations and Rules relating to the human resources legal framework; (c) advising on human resources reforms, including mobility and changes to the compensation package; and (d) advising on matters before an administrative decision is taken, including by legally clearing recommendations for the dismissal of staff members.

88. In addition, the Division analyses all judgments of the Tribunals, thereby developing a comprehensive knowledge of the jurisprudence in the system of administration of justice. The Division draws on this analysis for: (a) advising on claims by staff; (b) advising the entities representing the Secretary-General before the United Nations Dispute Tribunal; and (c) deciding whether to appeal judgments of the Dispute Tribunal. The Division reviewed all 322 judgments of the Tribunals rendered in 2016.

89. The Division is also responsible for the representation of the Secretary-General before the United Nations Appeals Tribunal for all United Nations entities, including United Nations Headquarters, offices away from Headquarters, funds and programmes, and regional commissions. This responsibility encompasses both the filing of appeals against judgments of the United Nations Dispute Tribunal and responding to appeals filed by staff members. It also involves filing motions and responses to motions, as well as oral advocacy at hearings before the Appeals Tribunal. The Division further advises on the implementation of judgments, on their implications and on whether specific policies need to be revised in view of the jurisprudence. In 2016, the Appeals Tribunal rendered 77 judgments in cases in which the Secretary-General was a party.

III. Responses to questions relating to the administration of justice

A. Overview

90. In its resolution 71/266, the General Assembly made a number of requests to the Secretary-General for information and proposals for consideration at its seventy-second session. The Assembly also endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions on the Administration of justice at the United Nations and activities of the Office of the Ombudsman and Mediation Services (A/71/436). The responses to the requests of the Assembly and the conclusions and recommendations of the Advisory Committee are set out below.

B. Responses

1. Requests from the General Assembly

91. In response to paragraph 11 of resolution 71/226, the Secretary-General continues to consider the recommendations of the Interim Independent Assessment Panel that can contribute to further enhancement of the internal justice system. More information follows with respect to particular Panel recommendations.

92. In response to paragraph 12 of resolution 71/266, and with respect to Panel recommendation 9, the Office of Administration of Justice continues to update its website to provide accurate and current information on the formal internal justice system. The Office of Staff Legal Assistance and the United Nations Dispute Tribunal registries continue to undertake outreach missions at the request of peacekeeping missions and other United Nations offices, including partnering with regional ombudsmen in regular outreach and training activities organized locally by hosting United Nations entities for newly recruited staff. Such activities provide invaluable opportunities to inform staff, staff associations and managers about the internal justice system. The Management Evaluation Unit continued to carry out outreach, including missions to six peacekeeping missions, video-link briefings with offices away from Headquarters and participation in training on performance management provided by the Office of Human Resources Management.

93. With respect to Panel recommendation 13, the rules, regulations and instructions have been consolidated in a single manual for many years. Since 2000, this manual has been an electronic Human Resources Handbook available online on the intranet and Internet. In 2015, the Handbook became web-based, which made it more easily searchable. Further refinements of the Handbook are part of the continuing work of the Office of Human Resources Management, which has also begun discussions with key stakeholders to identify areas in which policies can be clarified. The Office is planning further communication to raise awareness and use of the Handbook as "the" depository of the human resources regulatory framework of the Organization.

94. With respect to Panel recommendation 15, induction training was organized in 2016 by the Presidents of both Tribunals for the new United Nations Dispute Tribunal and United Nations Appeals Tribunal judges, with the Office of Administration of Justice providing logistical support.

95. With respect to Panel recommendation 33, the Chef de Cabinet sent a memorandum to the heads of departments, offices and regional commissions on 9 April 2014 to encourage senior management to respond positively and proactively to mediation efforts. In addition, the Office of Human Resources Management training on conflict resolution and prevention, and the training by the Ombudsman's office on conflict management, further highlight this point.

96. With respect to Panel recommendation 35, the Office of Human Resources Management offers training on conflict resolution and prevention, and the Office of the Ombudsman and Mediation Services also offers globally standard training in conflict management competency within their outreach activities. From a preventive perspective, conflict management is addressed in the Office of Human Resources Management's communications programmes, the "Ethics and Integrity at the United Nations" training course and the Management Development Programme. Performance management workshops for all managers and leaders address the issue of difficult conversations among managers and staff. The Office of Human Resources Management also offers the following specific courses:

- Conflict resolution: an online curriculum designed to help staff improve their relationships with co-workers, clients and supervisors and to find a way from conflict to cooperation

- Collaborative negotiation skills: an online curriculum designed to help staff leverage a collaborative communication process to constructively address negotiation challenges in the workplace
- Team-building: a face-to-face programme to help teams solve all types of challenges, including introducing changes and interventions to help resolve specific issues and conflicts.

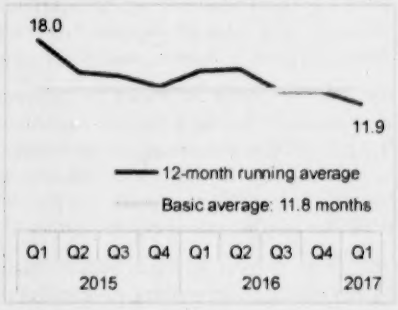
97. With respect to Panel recommendation 36, the Secretary-General considers the lessons-learned guides to be a valuable resource to managers. Publication of the guides, which are prepared by the Management Evaluation Unit, has experienced frequent delays owing to the considerable caseload that the Unit must address each year. In 2016, the Department of Management disseminated a guide on performance management and a guide on managing organizational change. The Department anticipates disseminating another guide on reassignment in late 2017.

98. With respect to Panel recommendation 58, the Chair of the Sixth Committee, in a letter to the Chair of the Fifth Committee dated 26 October 2016 (A/C.5/71/10), took note of the views of the Panel, in particular, paragraphs 93 and 396-399, as well as the response of the Secretary-General (A/71/163, paras. 146-150), and recommended that the Secretary-General be requested to provide further information on the improvement of investigations into misconduct and harassment and on the training provided by the Office of Internal Oversight Services (OIOS) to staff members on conducting peer-based investigations.

99. The Secretary-General notes that the Investigations Division of OIOS has put in place measures to maintain the downward trajectory in the average length of time of investigations. The aim is to complete all prohibited conduct and retaliation cases within four months, sexual exploitation and abuse cases within six months and all other cases within 12 months. Figures XVII and XVIII, which provide the average completion time in months, show demonstrable improvements in relation to time spent on the completion of investigations.

Figure XVII
Sexual exploitation and abuse cases

Figure XVIII
Other Cases



100. With regard to investigations carried out under ST/SGB/2008/5, the replacement of the current peer-based investigations with professionalized investigations conducted under the auspices of the Investigations Division of OIOS has not taken place owing to a lack of funding. Instead, OIOS has resumed the provision of training for proposed members of lay panels prior to their investigative activity under ST/SGB/2008/5, but these efforts have also been hampered by a lack of resources. Nevertheless, joint planning between OIOS and the Administrative Law Section is intended to facilitate the development and delivery of such training across the Secretariat during the third and fourth quarters of 2017.

101. In response to paragraph 13 of resolution 71/266, the Secretary-General encourages the informal resolution of disputes as early as possible, while recognizing that deadlines in the formal system were established to ensure the

prompt resolution of disputes. The Administration continues to discuss the issue of appropriate procedures for extending deadlines with a view to ensuring the proper functioning of both the informal and formal systems.

102. In response to paragraph 15 of resolution 71/266, it is a critical objective of the Office of Human Resources Management to continue to develop sound human resources policies that support the work of the Organization and provide an enabling environment for staff and managers to deliver their mandates.

103. A key focus in revising and developing new policies is to look at operational constraints and implementation challenges, including the integration of lessons learned. The Office of Human Resources Management has also recently created a community of practice to elicit ongoing feedback from human resources colleagues in the Secretariat in anticipation of revising any policy. Finally, the Office continues to review the possibility of launching new activities to increase knowledge and awareness of key human resources policies.

104. Performance appraisals have consistently been one of the top 10 sources of disputes. The Office of Human Resources Management and the Office of the Ombudsman and Mediation Services successfully piloted a series of performance management clinics at headquarters in October and November 2016. The workshops focused on the midpoint review process in the performance management system, as well as best practices in giving and receiving feedback to minimize conflict. With more than 200 staff and managers attending workshops or individual consultations, a similar series of performance management clinics are now being rolled out for the end-of-cycle period at Headquarters in New York, as well as at the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Asia and the Pacific in 2017. The programme will be expanded to additional duty stations in October 2017, resources permitting.

105. In response to paragraph 16 of resolution 71/266, the Secretary-General is pleased to note that the new policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations was issued on 20 January 2017 (ST/SGB/2017/2) and entered into force on that date. The Secretary-General is committed to ensuring that the United Nations remains current with global best practices in this important area. Further measures to strengthen the policy will be taken as appropriate.

106. In response to paragraph 17 of resolution 71/266, the Secretary-General undertook a wide-ranging exercise to collect the requested information concerning non-staff personnel. Information was requested from a number of United Nations offices, entities, funds and programmes, regional commissions and specialized agencies and related bodies of the United Nations, including the following: United Nations Headquarters, including for filed missions and special political missions; United Nations Office at Geneva; United Nations Office at Nairobi; United Nations Office at Vienna; United Nations Office on Drugs and Crime; United Nations Development Programme; United Nations Environment Programme; United Nations Population Fund; United Nations Human Settlements Programme; Office of the United Nations High Commissioner for Refugees; United Nations Children's Fund; United Nations Office for Project Services; United Nations Entity for Gender Equality and the Empowerment of Women; Economic Commission for Africa; Economic Commission for Latin America and the Caribbean; Economic and Social Commission for Western Asia; Comprehensive Nuclear-Test-Ban Treaty Organization; Food and Agriculture Organization of the United Nations; International Atomic Energy Agency; International Civil Aviation Organization; International Criminal Court; International Fund for Agricultural Development; International Labour Organization; International Monetary Fund; International Maritime Organization; International Seabed Authority; International Tribunal for the Law of the Sea; International Telecommunication Union; United Nations Educational, Scientific and Cultural Organization; United Nations Industrial Development Organization; World Tourism Organization; Universal Postal Union;

World Bank Group; World Health Organization; World Intellectual Property Organization; World Meteorological Organization; and World Trade Organization.

107. The information received in response is collated and presented in tabular form, in annex II.

108. In response to paragraph 18 of General Assembly resolution 71/266, and pursuant to Assembly resolution 63/253, interns, volunteers (other than United Nations volunteers) and type II gratis personnel have access to management evaluation, but not to the United Nations Dispute Tribunal. During the reporting period, the Management Evaluation Unit did not receive any requests for management evaluation from any non-staff personnel in these categories. Since its establishment in July 2009, the Unit has received only three requests, each from interns. With respect to those requests, the decision in one case was upheld, one was resolved informally and the third was determined to be not receivable. Information on non-staff from the Office of the Ombudsman and Mediation Services will be provided in its separate report.

109. Responses to the requests of the Assembly in paragraphs 22, 24 and 27 of resolution 71/266 are contained in the separate report of the Office of the Ombudsman and Mediation Services.

110. The response to paragraph 26 of resolution 71/266 is set out in annex III.

111. In response to paragraph 31 of resolution 71/266, the judgments of both Tribunals are published on the Office of Administration of Justice website as received from the Tribunals. It is respectfully noted that the reasoning behind the decisions and the references to personal data in the judgments are matters within the sole purview of the Tribunals.

112. In response to paragraph 33 of resolution 71/266, data concerning the caseloads of the Management Evaluation Unit and the United Nations Dispute Tribunal are reported in those sections of the present report which deal with their activities. Observations with respect to the data and emerging trends are contained in section II.A of the present report.

113. In response to paragraph 34 of resolution 71/266, the Secretary-General notes that the interdepartmental meetings to discuss the delegation of authority with regard to disciplinary matters will resume once the new policy regarding the investigatory and disciplinary process is promulgated.

114. In response to paragraph 35 of resolution 71/266, the Secretary-General notes that during the reporting period there were no findings on the accountability of managers whose decisions had been established to be grossly negligent, according to the applicable Staff Regulations and Rules of the United Nations, and had led to litigation and subsequent financial loss.

115. In response to paragraph 37 of resolution 71/266, the Secretary-General recalls the direction of the General Assembly that every effort should be made to resolve cases informally to avoid litigation, and the observation by the Advisory Committee on Administrative and Budgetary Questions that the management evaluation function is an important opportunity to do so (A/65/557, para. 16).

116. The Management Evaluation Unit's conduct of management review of administrative decisions serves to achieve the objective of limiting legal and financial risks, in part by identifying flaws in those decisions. When the Unit finds that a contested decision is not in compliance with the relevant regulations and rules, it will recommend appropriate corrective action. Often, this will involve recommending the rescission or correction of previous decisions. When appropriate, the Unit will facilitate settlement in order to finally resolve disputes.

117. The Unit's response to the staff member explains in clear and simple terms the basis for its determination. This enhances the fairness, transparency and credibility

of the process and has in many cases contributed to increased acceptance by staff members of the evaluated administrative decision.

118. The effectiveness of management evaluation is reflected in the fact that, from the establishment of the management evaluation function in 2009 to the end of 2016, only 13 per cent of cases submitted for management evaluation proceeded to litigation.

119. The Unit also makes recommendations to the Under-Secretary-General for Management on preventing future risks of loss by the Organization. Such recommendations are based on cases in which the Unit facilitates settlement. They are also based on cases in which the decision was considered to be lawful, but there was nevertheless a potential risk of liability to the Organization.

120. The Secretary-General is also cognizant that ultimately the most effective way to avoid legal and financial liability is through better understanding of staff rules and the responsibilities of managers and decision makers. Given the number of cases that staff members submit to management evaluation each year compared with the number of cases that are litigated, management evaluation is uniquely placed in this regard.

121. The Secretary-General has in the past reported on the Unit's efforts to institutionalize good management practices and contribute to sound managerial decision-making. In this regard, the Unit identifies trends and systemic issues, and provides support to the Under-Secretary-General for Management in the compilation of the lessons-learned guides for managers and guidance notes that are circulated to all heads of offices and departments and, through them, to their managers, and posted on the Department of Management's intranet. These efforts contribute to the awareness of managers of their responsibilities, keeps them abreast of developments in internal laws of the Organization at all times and identifies crucial areas such as selection procedures, non-renewal of contracts and disciplinary matters.

122. The Unit has supplemented the guides within available resources through outreach activities, such as videoconference sessions and visits with field missions, offices away from Headquarters and regional commissions, and departmental briefings at Headquarters. The Unit assists in training provided by the Office of Human Resources Management on performance management, discussing lessons learned in this area with the participants. Finally, the Unit provides ad hoc guidance to staff and managers outside the context of management evaluation. The Unit has observed that fielding such queries very often has the effect of limiting the escalation of conflict to the formal internal justice system.

123. In response to paragraph 39 of resolution 71/266, it will be seen from annex IV that staff contributions to the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance continue to provide a steady amount of additional funding. Offices and entities in which opt-out rates remain high are the focus of outreach and clinics in an effort to reduce those rates.

124. The voluntary nature of the mechanism means that its sustainability depends on the willingness of staff members to contribute. It remains to be seen whether the implementation of the unified salary scale will have an impact on voluntary contributions.

125. In response to paragraphs 40 and 42 of resolution 71/266, the Office of Staff Legal Assistance continues to target outreach in those locations where the opt-out rate from the voluntary supplemental funding mechanism is high, and plans to add legal assistance clinics in those locations.

126. In response to paragraph 41 of resolution 71/266, the aggregate monthly opt-out rates and voluntary contributions by staff to the voluntary supplemental funding mechanism from the commencement of the experimental period, on 1 January 2014, to 30 June 2017 are set out in annex IV.

127. In response to paragraph 45 of resolution 71/266, the views of the two Tribunals are annexed to the report of the Internal Justice Council.

128. In paragraph 47 of resolution 71/266, the General Assembly decided to consider issues related to resource requirements for improving the functioning of a transparent, professional, adequately resourced and decentralized internal justice system at its seventy-second session.

129. In response to paragraph 47 of resolution 71/266, and with regard to resource requirements in the Management Evaluation Unit, the Secretary-General has in the past brought to the attention of the General Assembly the difficulties experienced by the Unit in meeting its mandate. The Unit's current staffing complement includes 3 P-4 Legal Officers (2 from the regular budget and 1 from the peacekeeping support account). As at 31 December 2016, the Unit had received an average of about 930 requests per year since 2010.

130. Bearing in mind the high number of requests and resulting workload, the 30- and 45-day timelines applicable to the management evaluation process support the swift resolution of disputes, but are extremely difficult to meet.

131. The experience of the Unit is that, particularly as it concerns efforts required to resolve matters informally, addressing the caseload in the Unit involves extensive communication with the staff member and the decision maker and frequently exceeds the statutory time frame. Carrying out this priority work reduces the Unit's capacity to carry out other aspects of its mandate, such as analysis of trends and systemic issues, recommendations for improvement in policies, research and drafting of lessons-learned guides for managers, and outreach to managers and staff to discuss lessons learned and share experiences within the formal system of justice. In order to address these issues, the Secretary-General renews his recommendation for the establishment of one P-3 Legal Officer post and one additional Legal Assistant (General Service (Other level)) to the Unit's staffing table.

132. With regard to the Office of Staff Legal Assistance, it is recalled that the Interim Independent Assessment Panel found that the Office was underresourced and that its current budget was insufficient even if supplemented by the voluntary supplemental funding mechanism (A/71/62/Rev.1, para. 333). The situation has become even more critical since the interim independent assessment was conducted because, as set out in table 12, the number of requests for legal assistance continues to increase year-on-year (by 17 per cent in 2016), putting additional pressure on the Office.

133. The additional resources the Office requires have evolved in recent years. The greatest need at present is to bolster the number of Legal Officers and the level of legal experience. The Office requires three P-4 Legal Officer posts, one in each of the locations of the Tribunals, to take on the more complex cases that require a greater level of experience, and to provide training and mentorship to more junior staff within the Office. The Office also requires one Legal Assistant in Nairobi to provide administrative assistance in that time zone.

134. The Secretary-General continues to be of the view that the funding of the Office must be put on a sustainable basis.[8] He has previously opined that the Organization should fund the entire cost of the Office, including the additional resources that it requires.[9] He recalls that the Office was established by the General Assembly as an integral component of the system of administration of justice and therefore is an expense of the Organization. He also recalls that the Office provides benefits to both staff and the Organization. He notes that the demonstrated level of staff contributions under the mechanism are insufficient to cover the cost of the additional resources the Office requires.

[8] See A/71/163, paras. 107-114.

[9] See, for example, A/68/346, paras. 121-131.

135. He notes that the experimental period of the voluntary supplemental funding mechanism for additional resources for the Office expires on 31 December 2017. As a consequence, additional legal officers and legal assistants can be hired only on a temporary basis, which is not conducive to the continuity of the Office's operation and management. In the event that the General Assembly decides to "regularize" the mechanism, fixed-term positions should be created on the current demonstrated strength of staff contributions; however, additional regular budget funding would be required to cover the balance of the cost of the additional resources.

136. With regard to the United Nations Appeals Tribunal registry, the Interim Independent Assessment Panel, the Internal Justice Council, the Appeals Tribunal judges and the Secretary-General have all expressed the view that there is a need for one additional P-3 Legal Officer. That need remains if the Appeals Tribunal registry is to provide adequate support to the Tribunal for its efficient and effective operation.

137. With regard to the Appeals Tribunal judges, the Secretary-General renews his recommendation that they be paid $600 per interlocutory motion.[10] The justification and analysis are simple: judges should be remunerated for their adjudicative work, which is not confined to substantive appeals, and interlocutory motions must be dealt with prior to adjudication on the merits. At present, Appeals Tribunal judges are paid only for judgments and interlocutory motions are not disposed of by judgment, but rather by order. Such motions must be dealt with expeditiously in order not to delay adjudication of an appeal.

138. The Secretary-General also renews his recommendation to pay the President of the Appeals Tribunal a monthly stipend of $1,500 for the administrative work required in connection with the Tribunal, which experience has shown requires two days per month.[11]

139. With regard to the Tribunal itself, the Interim Independent Assessment Panel, the Internal Justice Council, the Dispute Tribunal judges and the Secretary-General have all expressed the view that two full-time judges are required in each of Geneva, Nairobi and New York in order to keep abreast of the caseload and for the other reasons set out in previous reports of the Secretary-General. That remains the view of the Secretary-General for the reasons he has provided previously.[12]

140. The Interim Independent Assessment Panel, the Internal Justice Council, the Dispute Tribunal judges and the Secretary-General are also all of the view that extending the ad litem judges year after year undermines judicial independence. The Sixth Committee also expressed concern about the legal aspects of the situation. The Interim Independent Assessment Panel recommended that three additional permanent judges be appointed to replace the ad litem judges. The Secretary-General concurs.

141. It is recalled that the incumbent ad litem judges have served since 2009, 2012 and 2015, respectively. One has already served longer than a regular seven-year term, and all could end up serving longer than a regular seven-year term if the ad litem extensions continue.[13]

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[10] This amount reflects the estimate of the President of the Appeals Tribunal that the judicial work required to adjudicate an interlocutory motion is roughly equivalent to the judicial work performed by each of the non-drafting judges sitting on an appeal, for which the General Assembly has set the remuneration at $600.

[11] This amount is based on ST/AI/2013/4, annex III, para. 6, subpara. on level D.

[12] See A/71/163, paras. 126-130, and earlier reports referenced therein.

[13] It is recalled that the Internal Justice Council, in the context of considering whether the incumbent ad litem judges should be eligible for consideration for appointment to a regular position, recommended that an ad litem judge would be eligible for consideration for full-time appointment if the total term of service as a judge would be less than 10 years (A/70/190, paras. 30-35). As a result, the Internal Justice Council recommended that no judge serve on the Dispute Tribunal for more than 10 years.

142. If, in the future, the Dispute Tribunal caseload decreases such that fewer judicial resources are required, the General Assembly could consider phasing out the half-time judges.

143. Accordingly, the Secretary-General renews his recommendation to establish three additional permanent judgeships in lieu of the ad litem judges and to establish posts in the Dispute Tribunal registries for the staff required to support them in lieu of the temporary staff that support the ad litem judges.

144. It is recalled that the Interim Independent Assessment Panel was quite clear that some additional resources are required. The Panel stated in its report on the system of administration of justice at the United Nations (A/71/62/Rev.1) that:

> Some areas (the Management Evaluation Unit, the Office of Staff Legal Assistance and the Appeals Tribunal) are underresourced, which should be remedied (summary)
>
> ...
>
> [The Office of Staff Legal Assistance] is underresourced and its current budget, even supplemented by the voluntary funding scheme, is not sufficient to meet its needs (para. 333)
>
> ...
>
> The Panel is of the view that the Registries are adequately staffed, with the exception of that of the Appeals Tribunal. As mentioned above, the request for an additional P-3 post is pending and the Panel strongly suggests that it be granted (para. 341)
>
> ...
>
> The Panel therefore supports the view that, continuously, since 2010, has been held by the Internal Justice Council, and shared by the Tribunal judges, that three additional permanent judges should be appointed to replace the ad litem judges (para. 367)
>
> ...
>
> In the Panel's assessment, the request for an additional position of Legal Officer (P-3), to strengthen the [the United Nations Appeals Tribunal] Registry and to provide urgently needed support to the judges to address the caseload and deal with urgent motions between sessions, must be granted (para. 379)
>
> ...
>
> Given that the Panel found no "fat" in the system, and none of the stakeholders suggested budget cuts, this is not a question of allocation of available resources, but rather of injecting additional resources into the system (para. 406)
>
> ...
>
> Many stakeholders interviewed suggested the overriding need for more resources for the Office of Staff Legal Assistance — an opinion that is shared by the Panelf (para. 407).

145. The Secretary-General is of the view that it is time to address the need for some additional resources for the formal system of administration of justice, as found by the Interim Independent Assessment Panel, and that there are compelling reasons for the resource recommendations in the present report.

146. In paragraph 7 of its report, the Advisory Committee on Administrative and Budgetary Questions recommended continuing with the experimental phase of the voluntary supplemental funding mechanism, recommended against the establishment of new posts in the Office of Staff Legal Assistance and encouraged the Secretary-General to explore options to ensure the sustainability of the

mechanism with a view to making proposals in his next report. The sustainability of the mechanism has been addressed above. It depends on the General Assembly continuing the mechanism and on staff continuing to voluntarily support the mechanism. The resulting uncertainties make long-term planning and operations within the Office very difficult. Under the mechanism, additional legal officers can be hired on only a temporary, short-term basis. That is disruptive and not conducive to building institutional experience and memory within the Office.

147. In paragraph 8 of its report, the Advisory Committee underscored that the proposal to fill the gap in the Office's staffing structure should be justified in terms of workload requirements, with post levels commensurate with the related responsibilities for these functions. The justification for the need for legal officers at the P-4 level is clear. The Office has had a year-on-year increase in caseload (see table 12 above) and deals with cases in all forums, both formal and informal, within the internal justice system and in disciplinary matters. As such, there are inevitably strata of more complex cases, which require a higher level of skill in case handling and advocacy. That comes only with experience, as well as broader expertise on the part of the Office's legal officers. Additionally, more junior lawyers need to be mentored in their work, which can properly be done only by more senior lawyers.

148. In paragraph 28 of its report, the Advisory Committee noted that there was a lag of one year between the identification of systemic and cross-cutting issues and the issuance of information on the measures taken to resolve them. In order to improve the responsiveness and transparency of the system, the Advisory Committee considered that the annual report of the Secretary-General on the administration of justice could provide comments on the recommendations on systemic issues contained in the report on the activities of the Office of the United Nations Ombudsman and Mediation Services for the same session. The Advisory Committee therefore recommended that the General Assembly request the Secretary-General to include such information in the next annual report on the administration of justice.

149. From the perspective of the Office of Human Resources Management, it would be impractical to report on both the cross-cutting issues and the measures taken to address them in the same report. There would not be sufficient time for the systemic issues to be identified and the Office to then put in place measures, and evaluate and report on them.

150. The Secretary-General notes that the tenth anniversary of the current system of administration of justice will fall on 1 July 2019. He notes that other public international organizations have commemorated major milestones in their internal justice systems by convening an international conference or symposium, and proposes that it would be appropriate to mark the tenth anniversary of the internal justice system at the United Nations with a two-day thematic conference or symposium to be held in 2019 in New York. Such an event could provide an opportunity to convene judges and registrars from other international administrative tribunals, advocates, legal academics and others to look at issues of common interest or of particular note for internal systems of administration of justice. It could also serve to disseminate information about the internal justice system at the United Nations.

151. Such a conference would require consultations and planning and organization, which would have to commence early in 2018 and would require a one-time budget. While participants would be expected to finance their own attendance, facilitators and keynote speakers might require financial assistance and likely there would be ancillary costs, such as the production and dissemination of papers and hospitality.

152. While it is difficult at this time to forecast precisely what the costs would be, the Secretary-General recommends that an amount of $50,000 be allocated on a one-time basis to convene such a commemorative event to mark the tenth anniversary of the system of administration of justice at the United Nations.

IV. Other matters

153. Information on compensation paid in 2016 in accordance with recommendations by the Management Evaluation Unit, compensation awarded by the Tribunals in 2016 and compensation paid in 2016 in respect of previous awards by the Tribunals is set out in annex V to the present report.

V. Resource requirements

154. Resource requirements for the proposals described above for the biennium 2018-2019 amount to $4,596,300 (net of staff assessment). The estimated costs associated with the proposals are summarized below (see table 17), by budget section.

Table 17

Resource requirements, by programme budget section

(Thousands of United States dollars)

Budget section	*2018-2019 estimates as presented in the proposed programme budget*	*Changes additional requirements*	*2018-2019 revised estimates*
	a	*b*	*c = (a+b)*
1. Overall policymaking, direction and coordination	120 707.6	3 946.9	124 654.5
29A. Office of the Under-Secretary-General for Management	26 529.4	272.4	26 801.8
29D. Office of Central Support Services	168 542.9	377.0	168 919.9
Net additional requirements	**315 779.9**	**4 596.3**	**320 376.2**
36. Staff assessment[a]	501 590.1	351.9	501 942.0
Gross total all budget sections	**817 370.0**	**4 948.2**	**822 318.2**

[a] Staff assessment amounts under columns *a* and *c* relate to all budget sections of the proposed programme budget; the amounts under column *b* relate to budget sections under which additional resources are sought.

Proposed Legal Officer (1 P-3) and Legal Assistant (1 GS-OL) in the Management Evaluation Unit

155. With respect to the Management Evaluation Unit, in the Office of the Under-Secretary-General for Management, for the reasons set out in paragraphs 128-131, 144 and 145 above, the Secretary-General proposes that the General Assembly approve the establishment of one Legal Officer (1 P-3) and one Legal Assistant (1 General Service (Other level)) post and related non-post resources.

156. The establishment of one Legal Officer (1 P-3) post and one Legal Assistant (1 General Service (Other level)) post in 2018-2019 would entail additional resource requirements of $272,400 under section 29A, Office of the Under-Secretary-General for Management, including for salaries and common staff costs ($258,000), contractual services relating to the costs of central data-processing services ($8,400), communications ($1,400), supplies and materials ($2,000) and the acquisition of information technology equipment ($2,600).

157. The establishment of the aforementioned posts in New York would also entail additional resource requirements of $134,600 under section 29D, Office of Central Support Services, for rental of premises, and non-recurrent requirements for minor alterations and furniture and equipment.

Proposed Legal Officer (3 P-4) and Legal Assistant (1 GS-LL) in the Office of Staff Legal Assistance

158. With respect to the Office of Staff Legal Assistance, for the reasons set out in paragraphs 128, 132-135 and 144-147 above, the Secretary-General proposes that the General Assembly approve the establishment of three Legal Officer posts in New York (1 P-4), Geneva (1 P-4) and Nairobi (1 P-4), and one Legal Assistant in Nairobi (1 General Service (Local level)) and related non-post resources.

159. The establishment of the three Legal Officers (3 P-4) and the Legal Assistant (1 General Service (Local level)) posts in 2018-2019 would entail additional resource requirements of $689,000 under section 1, Overall policymaking, direction and coordination, including for salaries and common staff costs ($656,100), contractual services relating to the costs of central data-processing services ($14,800), communications ($4,300), supplies and materials ($2,400) and acquisition of furniture and information technology equipment ($11,400).

160. The establishment of one P-4 post in New York mentioned above would entail additional resource requirements of $73,500 under section 29D, Office of Central Support Services, for rental of premises, and non-recurrent requirements for minor alterations and furniture and equipment.

Proposed three permanent full-time judges in lieu of ad litem judges, conversion of support staff to posts from general temporary assistance-funded positions, and proposed payments for interlocutory motions and the United Nations Appeals Tribunal President's stipend

161. With respect to the Dispute Tribunal and its registries, for the reasons set out in paragraphs 128 and 139-145 above, the Secretary-General proposes that the General Assembly establish three permanent full-time judges in lieu of the ad litem judges, and to convert the current staffing complement of six positions (1 P-3 and 1 General Service (Other level) in New York; 1 P-3 and 1 General Service (Other level) in Geneva; and 1 P-3 and 1 General Service (Local level) in Nairobi) supporting the ad litem judges and funded from general temporary assistance into established posts.

162. The establishment of three permanent full-time judges and the conversion of the general temporary assistance-funded support staff to posts in 2018-2019 would entail additional resource requirements of $3,030,300 under section 1, Overall policymaking, direction and coordination, including for (a) the conversion from general temporary assistance-funded positions into established posts for the six support staff ($1,422,100); (b) the establishment of the three permanent full-time judges in lieu of the ad litem judges in each of the locations of the Dispute Tribunal, in New York, Geneva and Nairobi ($1,459,900); (c) payment of interlocutory motions adjudicated by Appeals Tribunal judges and monthly stipend for the Appeals Tribunal President ($97,200); and (d) operational costs, including contractual services related to central data-processing services ($35,100), communications ($9,400) and supplies and materials ($6,600).

163. The establishment of the aforementioned three permanent full-time judges in lieu of ad litem judges and their support staff in New York would also entail additional resource requirements of $95,400 under section 29D, Office of Central Support Services, for rental of premises.

Proposed Legal Officer (1 P-3) in the Appeals Tribunal registry

164. With respect to the Appeals Tribunal and its registry, for the reasons set out in paragraphs 128, 136, 144 and 145 above, the Secretary-General proposes that the General Assembly approve the establishment of one additional Legal Officer (1 P-3) and related non-post resources.

165. The establishment of the Legal Officer post (1 P-3) in 2018-2019 would entail additional resource requirements of $177,600 under section 1, Overall policymaking, direction and coordination, including for salaries and common staff costs ($170,400), contractual services relating to the costs of central data-processing services ($4,200), communications ($700), supplies and materials ($1,000) and the acquisition of information technology equipment ($1,300).

166. The establishment of the aforementioned Legal Officer (1 P-3) post in New York would also entail additional resources requirements of $73,500 under section 29D, Office of Central Support Services for rental of premises, and non-recurrent requirements for minor alterations and furniture and equipment.

Proposed tenth anniversary of the system of administration of justice

167. For the reasons set out in paragraphs 150 to 152 above, the Secretary-General proposes a two-day event to mark the tenth anniversary of the current system of administration of justice, which will fall on 1 July 2019.

168. The commemorative event to mark the tenth anniversary of the internal justice system would entail one-time additional resource requirements of $50,000 under section 1, Overall policymaking, direction and coordination, travel of facilitators and keynote speakers ($45,000), hospitality ($2,500) and supplies and materials ($2,500).

VI. Timeline for implementation

169. The timeline for implementation will depend on the outcome of the General Assembly's deliberations.

170. In the event the Assembly approves the recommendation to create three new permanent Dispute Tribunal judgeships to replace the ad litem judges, lead time would be required for the Internal Justice Council to nominate candidates and for the Assembly to hold elections, in which case the Secretary-General recommends that the current ad litem judges, together with the Dispute Tribunal registry staff who support them, be extended for the interim period in order to keep abreast of the caseload. This interim period would be 12 months.

VII. Conclusions and actions to be taken by the General Assembly

171. **The Secretary-General considers that the proposals and recommendations contained herein would enhance the effectiveness of administration of justice at the United Nations. He requests the General Assembly to give due consideration to them.**

172. **Accordingly, the Secretary-General requests the General Assembly:**

(a) **To approve the establishment, starting on 1 January 2018, of one Legal Officer post (P-3) and one additional Legal Assistant post (General Service (Other level)) in the Management Evaluation Unit;**

(b) **To approve the establishment, starting on 1 January 2018, of three Legal Officer posts (P-4), one in each of Geneva, Nairobi and New York, and one Legal Assistant (General Service (Local level)) in Nairobi, in the Office of Staff Legal Assistance, to be funded from the regular budget;**

(c) **As an alternative to subparagraph (b) above, should the General Assembly decide to extend the experimental period of or regularize the voluntary supplemental funding mechanism so that the funds therefrom could be used to acquire as many of the additional resources that the Office of Staff Legal Assistance requires as possible, to approve the balance of the cost of such additional resources to be funded from the regular budget;**

(d) To approve the addition of three permanent full-time judges to the United Nations Dispute Tribunal and amend article 4 (1) of the Tribunal's statute to read "The Dispute Tribunal shall be composed of six full-time judges and two half-time judges";

(e) To approve the extension of the three current ad litem judge positions and the current incumbent judges pending the nomination of candidates by the Internal Justice Council and the election of the aforementioned three permanent full-time judges by the General Assembly;

(f) As an alternative to subparagraph (e) above, in the event the General Assembly does not approve the addition of three permanent full-time judges to the United Nations Dispute Tribunal, approve the extension of the three ad litem judge positions and the current incumbent judges for a period of 12 months, from 1 January to 31 December 2018, in order to allow the Tribunal to keep abreast of its caseload;

(g) To approve the establishment, starting on 1 January 2018, of three additional Legal Officer posts (P-3), one in each of Geneva, Nairobi and New York, two Legal Assistant posts (General Service (Other level)), one in each of Geneva and New York, and one Legal Assistant post (General Service (Local level)) in Nairobi, in the United Nations Dispute Tribunal registries to support the three new permanent full-time judges in lieu of the temporary staff currently supporting the three ad litem judges;

(h) As an alternative to subparagraph (g) above, to approve the extension for 2018 of the temporary staff currently supporting the three ad litem judges, consisting of three positions of Legal Officer (P-3), one in each of Geneva, Nairobi and New York, two positions of Legal Assistant (General Service (Other level)), one in each of Geneva and New York, and one position of Legal Assistant (General Service (Local level)) in Nairobi;

(i) To approve the establishment, starting on 1 January 2018, of one additional Legal Officer post (P-3) in the United Nations Appeals Tribunal registry;

(j) To approve payment of $600 per interlocutory motion adjudicated by a United Nations Appeals Tribunal judge starting on 1 January 2018;

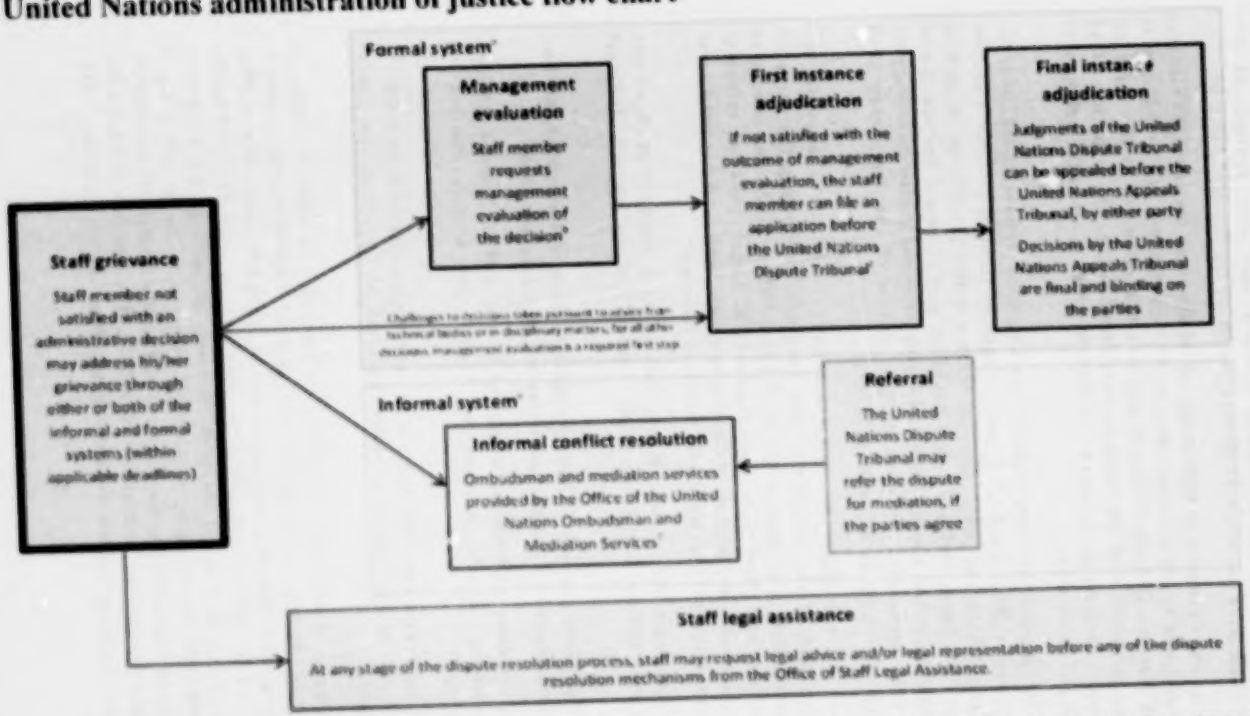
(k) To approve payment of a stipend to the United Nations Appeals Tribunal President in the amount of $1,500 per month starting on 1 January 2018;

(l) To approve a one-time expense to convene a conference to mark the tenth anniversary of the system of admin.stration of justice at the United Nations, in 2019;

(m) To approve additional resources, as presented in table 17 above, in the amount of $4,596,300 (net of staff assessment): $3,946,900 (under section 1, Overall policymaking, direction and coordination, $272,400 under section 29A, Office of the Under-Secretary-General for Management, and $377,000 under section 29D, Office of Central Support Services, as well as an additional amount of $351,900 under section 36, Staff assessment, to be offset by a corresponding amount under income section 1, Income from staff assessment, of the proposed programme budget for 2018-2019. The amount of $4,596,300 would represent a charge against the contingency fund for the biennium 2018-2019.

Annex I

United Nations administration of justice flow chart


Formal system[c]
Management evaluation
Staff member requests management evaluation of the decision[b]
First instance adjudication
If not satisfied with the outcome of management evaluation, the staff member can file an application before the United Nations Dispute Tribunal[c]
Final instance adjudication
Judgments of the United Nations Dispute Tribunal can be appealed before the United Nations Appeals Tribunal, by either party
Decisions by the United Nations Appeals Tribunal are final and binding on the parties
Staff grievance
Staff member not satisfied with an administrative decision may address his/her grievance through either or both of the informal and formal systems (within applicable deadlines)
Challenges to decisions taken pursuant to orders from technical bodies or on disciplinary matters, for all other decisions, management evaluation is a required first step
Informal system[d]
Informal conflict resolution
Ombudsman and mediation services provided by the Office of the United Nations Ombudsman and Mediation Services[e]
Referral
The United Nations Dispute Tribunal may refer the dispute for mediation, if the parties agree
Staff legal assistance
At any stage of the dispute resolution process, staff may request legal advice and/or legal representation before any of the dispute resolution mechanisms from the Office of Staff Legal Assistance.

[a] At any time during the formal resolution process, the staff member and decision maker can attempt to resolve the dispute informally, with or without the assistance of the Office of the United Nations Ombudsman and Mediation Services.

[b] The evaluation entails an objective and reasoned assessment as to whether the contested decision was made in accordance with the rules. It is conducted by the Management Evaluation Unit for Secretariat entities; United Nations funds and programmes have a similar function. The purpose of this step is to give management a chance to correct itself or provide acceptable remedies in cases in which there has been flawed decision-making. The Management Evaluation Unit and the Office of Staff Legal Assistance can also suggest informal resolution of the dispute and refer to the Office of the United Nations Ombudsman and Mediation Services.

[c] The United Nations Dispute Tribunal hears and decides cases filed by or on behalf of current and former staff members appealing administrative decisions alleged to be in non-compliance with their terms of appointment or contract of employment.

[d] Attempts to resolve a dispute informally do not preclude formal resolution (within deadline) if informal resolution is unsuccessful.

[e] The Office of the United Nations Ombudsman and Mediation Services includes ombudsman and mediation services for the Secretariat and United Nations funds and programmes.

Annex II

Information on non-staff personnel

(a) The number of disputes brought before the system of justice and any other measures for addressing disputes available for each category of non-staff personnel and an indication of how such disputes were resolved, for the period 2009-2016

Non-staff personnel		*Modes of dispute resolution (2009-2016)*		
Categories[a]	*Applicable legal framework*	*Amicable settlement (including management evaluation or review)*	*Arbitration under UNCITRAL rules*	*Formal complaints of discrimination, harassment, including sexual harassment, and abuse of authority against United Nations staff members (ST/SGB/2008/5)*
Consultants and individual contractors	**Individual contract with the Organization**, pursuant to the form of the contract and the General Conditions of Contract as set out in the Administrative Instruction on "Consultants and individual contractors" (ST/AI/2013/4) or to the corresponding legal framework in the Funds and Programmes.	Total number of cases: UNHQ 0; UNOG 0; UNOV 0; ECE 0; ESCAP 0; ESCWA 0; UNDP 33; UNFPA 1; UNICEF/*[b]; UNOPS 2; UNHCR 0 Settled: UNDP 28; UNFPA 1; UNOPS 2; UNHCR 1 Not Settled: UNDP 5; UNFPA 0; UNOPS 0	Total number of notices of arbitration: UNHQ 2; UNOG 0; UNOV 1; DFS (including field missions and SPMs) 1; UNFCCC 1; ECE 0; ESCAP 0; ESCWA 0; UNDP 2[c]; UNFPA 0; UNOPS 0; UNICEF 0;	Total number of formal complaints: UNHQ/*; UNOG 0; UNOV 0; ECE 0; ESCAP 0; ESCWA 1; UNDP 0; UNFPA 0; UNOPS 13; UNICEF 1 Of which, Closed due to no evidence: UNOPS 12; UNICEF 0 Led to action: ESCWA 1 (Managerial and administrative action against the concerned manager, letter of reprimand); UNOPS 1; UNICEF 1 (reprimand)

[a] This table does not include the following persons: (i) persons who, pursuant to resolutions and decisions of the General Assembly or other relevant body(ies), are elected or appointed to serve on various committees, commissions, boards, councils, bodies, courts or tribunals, e.g., members of the ACABQ, the Joint Inspection Unit, the International Law Commission, the International Civil Service Commission, the International Narcotics Board, the Committee on Contributions, the Commissions of Inquiry established under the auspices of OHCHR, special rapporteurs, experts elected to serve on human rights treaty bodies, and judges of the UNDT and the UNAT; and (ii) individually deployed police and military personnel who sign undertakings pursuant to the DPKO/DFS Policy on "United Nations Police in Peacekeeping Operations and Special Political Missions", effective 1 February 2014 or the DPKO/DFS/UNMEM Manual on Selection, Deployment, Rotation, Extension, Transfer and Repatriation of United Nations Military Experts on Mission in United Nations Peacekeeping Operations, approved on 23 April 2010.

[b] It is not possible to determine, globally, when some kind of negotiation has occurred with respect to contract completion and payment.

[c] Notices of arbitration referred to OLA.

Non-staff personnel		*Modes of dispute resolution (2009-2016)*		
Categories[a]	*Applicable legal framework*	*Amicable settlement (including management evaluation or review)*	*Arbitration under UNCITRAL rules*	*Formal complaints of discrimination, harassment, including sexual harassment, and abuse of authority against United Nations staff members (ST/SGB/2008/5)*
			UNHCR 1 Settled or final reward: UNHQ 2; DFS (including field missions and SPMs) 1; UNFCCC 1; UNDP 2; UNHCR 1 Ongoing: UNOV 1	
UN Volunteers[d]	**International UN Volunteer Contract with UNDP**, pursuant to the individual contract as set out in the International UN Volunteers Conditions of Service, which were promulgated by UNDP at: https://www.unv.org/sites/default/files/International_UN_Volunteers_Conditions_of_Service_0.pdf.	Total number of requests: 45 Settled: 45 Not Settled: 0	Total number of notices of arbitration: 2 Ongoing: 2	Total number of formal complaints: UNICEF 1 Of which, Closed due to no evidence: UNICEF 1 Led to action: UNICEF 0

[d] UNDP provided information for all entities.

Non-staff personnel		*Modes of dispute resolution (2009-2016)*		
Categories[a]	*Applicable legal framework*	*Amicable settlement (including management evaluation or review)*	*Arbitration under UNCITRAL rules*	*Formal complaints of discrimination, harassment, including sexual harassment, and abuse of authority against United Nations staff members (ST/SGB/2008/5)*
Interns[e]	**Internship agreement with the Organization**, pursuant to the agreement as set out in the Administrative Instruction on the "United Nations internship programme" (ST/AI/2014/1) or to the corresponding legal framework in the Funds and Programmes and General Assembly resolution 63/253, of 25 December 2008, paragraph 7.	Total number of requests: UNHQ 3; UNOG 0; UNOV 0; ECE 0; ESCAP 0; ESCWA 0; UNDP 0; UNICEF 0; UNOPS 0; UNICEF 0; UNHCR 0 Settled: UNHQ 1 Not Settled: UNHQ 2 (one not receivable one decision upheld)	N/A*	Total number of formal complaints: UNHQ /*; UNOG 0; UNOV 0; ECE 0; ESCAP 0 ESCWA 0; UNOPS 0; UNICEF 1; UNHCR 0 Of which, Closed due to no evidence: UNICEF 1 (complainant requested closure) Led to action: UNICEF 0
Type II gratis personnel[f]	**Undertaking with the Organization signed by type II gratis personnel**, pursuant to a Memorandum of Agreement between the United Nations and the Granting Government for the contribution of personnel as set out in the Administrative Instruction on "Gratis personnel" (ST/AI/1999/6) or to the corresponding legal framework in the Funds and Programmes and General Assembly resolution 63/253, of 24 December 2008, paragraph 7.	Total number of cases: UNHQ 0; UNOG 0; UNOV 0; ECE 0; ESCAP 0; ESCWA 0; UNDP 0; UNICEF 0 (known); UNOPS 0; UNHCR 0	N/A*	Total number of formal complaints: UNHQ/*; UNOG 0; UNOV 0; ECE 0; ESCAP 0; ESCWA 0; UNOPS 0; UNHCR 0

* "N/A" — not applicable; "/" — information unavailable.

Note: UNOPS's information for recent years is complete but for earlier years has been provided on a best effort basis, UNICEF has no data on informal negotiations and amicable settlements, nor does it have data on type II gratis personnel.

[e] Category not applicable to UNFPA.
[f] Category not applicable to UNFPA.

(b) The number of disputes brought before national jurisdictions and an indication of how such disputes were resolved, for the period 2009-2016

Non-staff personnel		*Entity*											
Categories		*UNDP*	*UNFPA*	*UNICEF*	*UNHCR*	*UNOPS*[a]	*UNHQ NY*	*UNOG*	*UNOV*	*DFS (field missions and SPMs)*	*ECE*	*ESCAP*	*ESCWA*
Consultants and individual contractors	Total number of cases brought:	100	3	3[b]	0	2	0[c]	0	0	25[d]	0	0	0
	Outcome												
	Settled:	0	0	/	0	0	0	0	0	6[b]	0	0	0
	Ongoing:	35	2	1	0	2	0	0	0	19	0	0	0
	Adjudicated:	65	1	/	0	0	0	0	0	0	0	0	0
UN Volunteers[f]	Total number of cases brought:	0	N/A*	0	0	0	0	0	0	/[e]	0	0	0
Interns	Total number of cases brought:	0	N/A*	0	0	0	0	0	0	/[e]	0	0	0
Type II gratis personnel	Total number of cases brought:	0	N/A*	0	0	0	0	0	0	N/A*[e]	0	0	0

* "N/A" — not applicable; "/" — information unavailable or unknown.

[a] UNOPS does not keep a record of disputes involving non-staff personnel; information for recent years is complete but for earlier years has been provided on a best effort basis.

[b] Of the three, one case is currently pending; UNICEF is not aware of the status of the other two cases.

[c] Cases referred to OLA.

[d] Cases referred to OLA.

[e] Settlement on condition that litigation withdrawn/any judgments obtained vacated.

[f] UNDP provided information on UN Volunteers for all funds and programmes.

[g] While DFS does not keep a record of such data, following its best efforts, it has not ascertained any cases before national courts involving UN Volunteers in field missions and special political missions.

[h] While DFS does not keep a record of such data, following its best efforts, it has not ascertained any cases before national courts involving Interns in field missions and special political missions.

[i] While DFS does not keep a record of such data, following its best efforts, it has not ascertained any cases before national courts involving Type II Gratis Personnel in field missions and special political missions.

(c) Information on the practical measures that have been taken so far by the United Nations to ensure a proper implementation of the system and to avoid gaps, as well as any other good practices, including in such matters as translation of documents into local languages, the ability to be heard, access to arbitration, information given to non-staff personnel on available remedies and so on; it is suggested that the Secretariat prepare a questionnaire to that effect

Request	*Response*
Indicate the measures taken to ensure a proper implementation of applicable dispute resolution mechanisms and to avoid gaps concerning non-staff personnel.	UNHQ: Non-staff contracts and agreements make reference to the relevant information on dispute resolution. UNOG (for UNOG, UNOV, ECE): The few issues that have been brought to HR attention were resolved informally. ESCAP: Non-staff personnel are provided with the relevant information on their possible dispute mechanism. If HR is approached on issues in regard to possible disputes, we either support directly and facilitate an informal resolution or refer the non-staff personnel to the Ombudsman's office. ESCWA: ESCWA does not take independent action on such matters. As part of the United Nations Secretariat, ESCWA ensures the application of the relevant Secretariat-wide policies. UNDP: An attestation is signed by the volunteer that he/she has been provided with the UN Volunteers Condition of Service and had read it. UNV-HQ Disciplinary Panel maintains a close collaboration with UNDP Legal Office for legal advice and clarification as the need arises. UNICEF: UNICEF has had few situations where individual contractors or consultants have triggered dispute resolution mechanisms in their respective contracts. As far as UNICEF is aware, individual contractors and consultants understand and appreciate the various provisions of the contract in question — including with regard to the process for resolving disputes — and in UNICEF's experience there is no "gap" with regard to providing mechanisms and procedures whereby individual consultants and contractors can resolve disputes with the Organization. Should a dispute arise, the business unit or field office in which the dispute arose would be supported in resolving that dispute by the human resources function associated with that business unit or field office together with, as needed, the Division of Human Resources in New York Headquarters; these services would guide on how discussions could be structured so as to achieve the goal of amicable resolution thus benefiting both parties. In the event that a dispute could not be settled amicably and escalated into arbitration, the Organization would be supported by the Office of the UNICEF Legal Adviser and, in some cases, the United Nations Office of Legal Affairs. UNOPS: UNOPS contracts with consultants and individual contractors, and also undertakings signed by individuals on loan from other entities, state that such personnel are entitled to refer disputes to arbitration. The contracts state that the arbitration will be governed by the UNCITRAL Arbitration Rules. (The UNCITRAL Arbitration Rules are available on the Internet.) UNOPS agreements with volunteers and interns do not contain any such provision, but UNOPS would be prepared to refer any dispute with a volunteer or an intern to arbitration, should efforts to resolve the dispute be unsuccessful. UNHCR: Reference to the relevant information on settlement of disputes in the General Conditions of Contracts for individual consultants and individual contractors.

Request	*Response*
Have documents concerning dispute resolution mechanisms available to non-staff personnel been translated into local languages and, if yes, into which languages?	UNHQ: Documents are available in English and French. UNOG (for UNOG, UNOV, ECE): Not applicable in Geneva. ESCAP: Yes they are made available in English and French. The documents have not been translated into Thai. ESCWA: Arabic. UNDP: For UNVs: French, Spanish. The contract with non-staff personnel includes a dispute resolution clause. The contract is available in the 3 working languages of UNDP: English, French and Spanish. UNFPA: Contract templates available on the UNFPA Policies and Procedures Manual (PPM) (staff and non-staff have access to it). UNICEF: UNICEF does not have central storage of any such translations. UNICEF is unaware whether any translations have been made more informally by local offices. UNOPS: Please see above. UNHCR: The General Conditions of Contracts for consultants and individual contractors are available in English. UNHCR's Policy on Discrimination, Harassment, Sexual Harassment and Abuse of Authority is available in English and French. UNHCR's Code of Conduct (that informs personnel on where to go for confidential advice and guidance on workplace-related problems, i.a., interns, consultants and individual contractors have to sign a form stating that they have read the Code of Conduct) is available in English, French, Spanish, Russian, Arabic, Farsi, Thai, Urdu and Turkish.
For each category of non-staff personnel, indicate whether they have the ability to be heard and/or access to arbitration.	UNHQ: Interns, type II gratis personnel and volunteers (other than UN Volunteers) may request management evaluation of decisions they feel affect their respective agreements with the Organization. UNOG (for UNOG, UNOV, ECE): Non-staff personnel have access to the Ombudsman Office and can therefore be heard in the informal system. As mentioned higher, HR is also a partner to resolve issues informally. ESCAP: Yes. ESCWA: All non-staff personnel enjoy the protection of the applicable rules and have access to the relevant recourse mechanisms under the United Nations Secretariat rules and policies. UNDP: The UNV-HQ ensures that the alleged volunteers are given an opportunity to provide their feedback/comments to the investigation report before cases are reviewed by the Panel. The contract with non-staff personnel includes a dispute resolution clause, including arbitration. UNICEF: Consultants/individual contractors: arbitration; General Terms and Conditions, Article 8; UNVs have ombuds and recourse procedures (see Chapter 18, International UN Volunteer Handbook Conditions of Service; interns: no arbitration, but ability to report misconduct and submit end-of-term evaluation (CF/AI/2013-002, s. 4.9)). UNOPS: Non-staff personnel have the ability to be heard (including arbitration). UNHCR: Any person having a direct contractual link with UNHCR has access to and can be heard in the informal process (Ombudsman's Office, Ethics Office, Staff Welfare Section), can file formal complaints against discrimination, harassment, sexual

Request	*Response*
	harassment and abuse of authority with the Inspector General's Office, and file complaints regarding and receive protection from retaliation. Individual contractors and consultants have access to arbitration in accordance with the UNCITRAL Arbitration Rules, as stated in the General Conditions of Contracts attached to their contracts. The Conditions of Service for national and international UNVs also provide for a recourse mechanism and arbitration.
Indicate how information on dispute resolution mechanisms and remedies is made available to non-staff personnel.	UNHQ: i-Seek and the MEU webpage apprise Interns, type II gratis personnel and volunteers (other than UN Volunteers) of the option to request management evaluation of decisions they feel affect their respective agreements with the Organization. For other non-staff personnel who request management evaluation, the MEU will advise the requestor of their available recourse in writing. UNOG (for UNOG, UNOV, ECE): Consultants and interns have the same access to information (intranet, broadcast) as staff members. ESCAP: Accessible on the intranet and communicated to managers of non-staff personnel for further communication and awareness to non-staff. Consultants are provided with terms of reference and conditions of service. Some of the other non-staff receive an induction. ESCWA: Through the United Nations intranet and information provided during the on-boarding. UNDP: With the Letter of Sanction, the Volunteer receives a copy of the Recourse Procedures under Chapter 18.2 of the UN Volunteers Conditions of Service. The contract with non-staff personnel includes a dispute resolution clause. UNFPA: Personnel informed about available remedies in Regional Offices/Country Offices/HQ. UNICEF: Through signed documentation (e.g. consultants/individual contractors: CF/AI/2013-001.Amend2, s. 6.6; UNVs, CF/AI/2000-003, para. 41) or orientation (interns: CF/AI/2013-002, s. 4.7). UNOPS: Please see above. UNHCR: General Conditions of Contracts for consultants and individual contractors, including a clause on settlement of disputes, are part of the contractual documents signed by consultants and individual contractors. Consultants and interns have the same access to information on the intranet and broadcasts as staff members.

Request	*Response*
Provide any other good practices concerning dispute resolution mechanisms and remedies available to non-staff personnel, including outreach in relation thereto, that have been implemented.	UNOG (for UNOG, UNOV, ECE): / UNDP: Concerning UN Volunteers, UNV Field Units/Country Offices/Missions ensure that the volunteer can avail appropriate trainings or medical attention, i.e. counselling/rehabilitation therapy, when seen necessary. UNV-HQ undertakes, on a periodical basis, induction trainings and provides necessary support to Field Units, including appropriate guidance and training materials to ensure that all concerned are better aware of conduct issues as well as management of disciplinary cases. UNICEF: UNICEF believes strongly that disputes are avoided by diligent contract management at all phases — starting with the establishing of clear Terms of Reference (to avoid differences about scope and nature of an assignment arising out of unhelpful ambiguity or vagueness), and continuing through attention to output and work (to avoid misunderstandings about UNICEF's expectations or acceptable standards of performance) and honest evaluations of performance (as required by UNICEF Administrative Instruction CF/AI/2013-001.Amend2, s. 6.41-6.43). UNOPS: (1) Before the contracts of non-staff personnel are discontinued, the cases are reviewed by the UNOPS People & Change Group (PCG) to determine if the decisions are inappropriate. (2) UNOPS encourages non-staff personnel (as well as staff) to use the services of the Office of the United Nations Ombudsman and Mediation Services.

(d) Modes of dispute resolution for non-staff personnel — responses from specialized agencies and related bodies of the United Nations

Non-staff personnel			*Modes of dispute resolution*				
Entity	*Categories of non-staff personnel*	*Applicable legal framework*					
ILO	**External collaborators**[p]	Office Directive on External Collaboration IGDS 224 dated 8 May 2011.	Administrative resolution of harassment grievances External collaborators are outside the scope of Staff Regulations except for harassment grievances (Article 13.4 of Staff Regulations applies).	No other conflict resolution mechanisms (Provisions on informal conflict resolution, grievances and the Joint Advisory Appeals Board apply only to officials.)	Anti-fraud policy Office Directive on Anti-fraud policy (IGDS 69 dated 17 June 2009) applies to external collaborators.	No mediation (Only staff can benefit from the Mediator's services.)	Administrative Tribunal of the ILO Grievances are receivable by the ILO-AT in accordance with the provisions of paragraph 4 Article II of the Statute of the Tribunal.
IFAD	**Consultants which include:** **- International** **- Local**	Consultancy contract between the individual and IFAD pursuant to the provisions set out in IFAD's Handbook on consultants and other persons hired by IFAD under a non-staff contract.	Amicable Settlement	Arbitration[q]			

[p] The ILO does not define External Collaborators as "non-staff" personnel at the ILO as their work entails an independent contractor relationship for the provision of individual services outside the employment relationship, in accordance with relevant ILO labour principles and recommendations.

[q] Subject to the Rules of Conciliation and Arbitration of the International Chamber of Commerce and may be submitted to one or more arbitrators appointed and in accordance with the said Rules. The arbitration shall take place in Rome or any other place acceptable to IFAD. The resulting award shall be final and binding on the parties and shall be in lieu of any other remedy.

Non-staff personnel			*Modes of dispute resolution*	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
	Interns	Internship contract between the individual and IFAD pursuant to the provisions set out in IFAD's Handbook on consultants and other persons hired by IFAD under a non-staff contract.	Amicable Settlement	Arbitration[r]
	Fellows	Fellowship contract between the sponsor/individual and IFAD pursuant to the provisions set out in IFAD's Handbook on consultants and other persons hired by IFAD under a non-staff contract.	Amicable Settlement	Arbitration[s]
	Special Service Agreements	Contract between the individual and IFAD pursuant to the provisions set out in IFAD's Handbook on consultants and other persons hired by IFAD	Amicable Settlement	Arbitration[t]

[r] Subject to the Rules of Conciliation and Arbitration of the International Chamber of Commerce and may be submitted to one or more arbitrators appointed and in accordance with the said Rules. The arbitration shall take place in Rome or any other place acceptable to IFAD. The resulting award shall be final and binding on the parties and shall be in lieu of any other remedy.

[s] Subject to the Rules of Conciliation and Arbitration of the International Chamber of Commerce and may be submitted to one or more arbitrators appointed and in accordance with the said Rules. The arbitration shall take place in Rome or any other place acceptable to IFAD. The resulting award shall be final and binding on the parties and shall be in lieu of any other remedy.

[t] Subject to the Rules of Conciliation and Arbitration of the International Chamber of Commerce and may be submitted to one or more arbitrators appointed and in accordance with the said Rules. The arbitration shall take place in Rome or any other place acceptable to IFAD. The resulting award shall be final and binding on the parties and shall be in lieu of any other remedy.

Non-staff personnel			*Modes of dispute resolution*			
Entity	*Categories of non-staff personnel*	*Applicable legal framework*				
		under a non-staff contract.				
ICC[u]	**Consultants; Individual Contractors and Special Advisers (e.g., Special Adviser to the Prosecutor and his or her assistant) and personnel with pro-bono contract**	Individual contract, Administrative Instruction ICC/AI/2016/002/Cor.1 on Consultants and Individual Contractors and/or its Annex; Administrative Instruction ICC/AI/2005/005 on Sexual and Other Forms of Harassment; Administrative Instruction ICC/AI/2005/006 on Equal Employment Opportunity and Treatment.	Amicable Settlement The parties shall use their best efforts to amicably settle their dispute, through conciliation in accordance with the UNCITRAL Conciliation Rules or according to such other procedure as may be agreed between them.	UNCITRAL Arbitration In the event the dispute is not settled amicably, either party may refer the dispute to arbitration in accordance with UNCITRAL Arbitration Rules.	N/A	Disciplinary Advisory Board[v] Consultants, individual contractors, special advisers and other personnel who believe that they have been or are being harassed or discriminated may file a formal complaint to the Registrar or the Prosecutor (or a third party to commence disciplinary proceedings. The Registrar or the Prosecutor shall transmit the complaint to the Disciplinary Advisory Board, which shall advise the

[u] The ICC also has categories of people who perform work in relation to the Court and participate in criminal proceedings before the Court, as foreseen in the Rome Statute, the Rules of Procedure and Evidence, the Regulations of the Court, and the Regulations of the Registry. These categories include defence counsel, legal representatives for victims and witnesses and other persons working under their oversight (such as legal assistants and investigators), counsel for states and amici curiae. Their relationship is governed by the legal framework of the ICC.

[v] Disciplinary Advisory Board is an advisory body of the ICC, advising the Registrar or the Prosecutor, as appropriate, on disciplinary matters.

Non-staff personnel			*Modes of dispute resolution*			
Entity	*Categories of non-staff personnel*	*Applicable legal framework*				
						Registrar or the Prosecutor as to whether harassing or disciplinary behaviour has taken place and recommend what, if any, measures should be taken (sections 6.2 and 7.3 of Administrative Instruction ICC/AI/2005/005, sections 5.2 and 6.3 of Administrative Instruction ICC/AI/2005/006).
	Interns and Visiting Professionals	Agreement for the ICC Internship Programme; Agreement for the ICC Visiting Professional Programme; Administrative Instruction ICC/AI/2005/005 on Sexual and Other Forms of Harassment; Administrative Instruction ICC/AI/2005/006 on Equal Employment	Amicable Settlement The parties shall use their best efforts to amicably settle their dispute.	N/A	N/A	Disciplinary Advisory Board* Interns and Visiting Professionals who believe that they have been or are being harassed or discriminated may file a formal complaint to the Registrar or the Prosecutor (or a

* Disciplinary Advisory Board is an advisory body of the ICC, advising the Registrar or the Prosecutor, as appropriate, on disciplinary matters

Non-staff personnel			*Modes of dispute resolution*	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
		Opportunity and Treatment.		third party) to commence disciplinary proceedings. The Registrar or the Prosecutor shall transmit the complaint to the Disciplinary Advisory Board, which shall advise the Registrar or the Prosecutor as to whether harassing or disciplinary behaviour has taken place and recommend what, if any, measures should be taken (sections 6.2 and 7.3 of Administrative Instruction ICC/AI/2005/005, sections 5.2 and 6.3 of Administrative Instruction ICC/AI/2005/006).
	Elected Officials		ILOAT[a]	

[a] ICC has recognized the jurisdiction of the International Labour Organization Administrative Tribunal (ILOAT) pursuant to article II (5) of the

Non-staff personnel			Modes of dispute resolution	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
	(the Judges, the Prosecutor, the Deputy Prosecutor, the Registrar).		Given that the elected officials are not considered staff members under the ICC Staff Regulations and Rules, the internal means of redress provided set by the ICC Staff Regulations and Rules are not available to them. However, they may resort to the ILOAT alleging non-observance of their terms and conditions of appointment (see ILOAT Judgment No. 3359, Considerations 14-18).	
	Personnel seconded to the Court from the United Nations or other international organizations[7]	Memorandum of Understanding is signed on an ad hoc basis between the ICC, the releasing organization and the staff member concerned. There is no	ILOAT[7] According to a MoU between the ICC and one international organization regarding the	Disciplinary Advisory Board[m] According to a MoU between the ICC and one international organization

Statute of the ILOAT.

[7] The ICC is not a party to the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances.

Non-staff personnel			Modes of dispute resolution	
Entity	Categories of non-staff personnel	Applicable legal framework		
		standard MoU for the transfer, secondment or loan of staff from or to the ICC; Administrative Instruction ICC/AI/2005/005 on Sexual and Other Forms of Harassment; Administrative Instruction ICC/AI/2005/006 on Equal Employment Opportunity and Treatment; ICC Staff Rules, Chapters X and XI.	temporary loan arrangement of a staff member from that organization to the ICC. Appeals against administrative decisions taken during the period of the loan shall be dealt with under the ICC Staff Regulations and Rules. A request shall first be submitted to the Secretary of the Board for a review of the decision by the Registrar or the Prosecutor, before appealing to the ICC Appeals Board and the ILOAT (Chapter XI of ICC Staff Rules).	regarding the temporary loan arrangement of a staff member from that organization to the ICC, the loaned personnel who believes that he has been or is being harassed or discriminated may file a formal complaint to the Registrar or the Prosecutor (or a third party) to commence disciplinary proceedings. The Registrar or the Prosecutor shall transmit the complaint to the Disciplinary Advisory Board, which shall advise the Registrar or the Prosecutor as to whether harassing or disciplinary behaviour has

[z] ICC has recognized the jurisdiction of the International Labour Organization Administrative Tribunal (ILOAT) pursuant to article II (5) of the Statute of the ILOAT.

[aa] Disciplinary Advisory Board is an advisory body of the ICC, advising the Registrar or the Prosecutor, as appropriate, on disciplinary matters.

Non-staff personnel			*Modes of dispute resolution*			
Entity	*Categories of non-staff personnel*	*Applicable legal framework*				
						taken place and recommend what, if any, measures should be taken (section 6 of Administrative Instruction ICC/AI/2005/005, section 6 of Administrative Instruction ICC/AI/2005/006). Chapter X of the ICC Staff Rules applies to any alleged misconduct or unsatisfactory conduct occurred during the loan of the individual to the ICC. In that case, the disciplinary proceedings prescribed therein will be followed.
ICAO	**Individual Consultants/ Contractors**	Contract with ICAO pursuant to Administrative Instructions on Contracts of Individual Consultants/Contractors Effective date of implementation:	Amicable settlement through negotiation is the first mode of dispute resolution which applies to Individual Consultants/ Contractors. In cases	Arbitration "6.5.4 Any dispute arising out of, or relating to, the contract of an individual consultant/contract or shall, unless	Referral to Ombudsman and Ethics Officer, when required, in respect of breach of ICAO Ethics Framework and conduct expected of	

Non-staff personnel			*Modes of dispute resolution*		
Entity	*Categories of non-staff personnel*	*Applicable legal framework*			
		01 November 2011 Latest revision: 15 November 2013.	where amicable settlement cannot be reached, the matter would be referred to arbitration (see column to the right).	settled amicably through negotiation, be submitted to arbitration to be conducted in Montréal by a single arbitrator designated by agreement between the parties. The arbitrator's ruling shall be final and binding upon the parties and any other judicial review, whether national or international, shall be excluded. If the parties fail to designate an arbitrator within 30 days from the date of the written request for arbitration, the arbitrator shall be designated by the Chairman of the ICAO Advisory Joint Appeals Board."	international civil servants.
	Interns	Internship agreement with ICAO pursuant to	Amicable settlement through negotiation is	Referral to Ombudsman and	

Non-staff personnel			Modes of dispute resolution	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
		Administrative Instructions for the ICAO Internship Programme (June 2014).	the dispute resolution mechanism that is applicable to settle any dispute.	Ethics Officer, when required, in respect of breach of ICAO's Ethics framework. However, ICAO bears no responsibility for any claims by any parties where the loss of or damage to their property, death or personal injury was caused by the actions or omission of action by the interns during their internship. (refer to 7.1 of the ICAO Internship Programme).
	Secondees/ gratis personnel	Administrative Instructions on Secondment (11 March 2014).	Amicable settlement through discussion and clarification of the terms and conditions of the letter of secondment and secondment agreement with the sponsoring State/Entity is the dispute resolution which is applied to secondees/gratis	Referral to Ombudsman and Ethics Officer, when required, in respect of breach of ICAO Ethics Framework and conduct expected of international civil servants.

Non-staff personnel			*Modes of dispute resolution*	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
			personnel. Neither ICAO nor the sponsoring State/entity shall resolve any disagreement regarding interpretation or application of the Agreement (i.e. MOU) by referring the matter to an international tribunal or a third party for settlement. Dispute resolution shall be done via a process of consultation between the parties.	
Young Aviation Professionals Programme		Young Aviation Professional Officer contract issued by ICAO pursuant Memorandum of Understanding regarding Cooperation between the International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA) and Airports Council International (ACI) (signed 9 Jan. 2013) on the establishment of outreach	Amicable settlement through consultation, discussion and clarification of the terms and conditions of the programme is the dispute resolution which is applied to Young Aviation Professionals, in the three host organizations (ICAO; IATA; and ACI) Article XI of MOU between the three	Referral to Ombudsman and Ethics Officer, when required, in respect of breach of ICAO Ethics Framework conduct expected in international civil service.

Non-staff personnel			*Modes of dispute resolution*		
Entity	*Categories of non-staff personnel*	*Applicable legal framework*			
		and capacity-development programme for the next generation of aviation professionals.	participants refers: "The Participants will attempt to resolve any disagreement regarding the interpretation or application of this MOU in consultation between the Participants. Nothing in or relating to this MOU will be deemed as a waiver of any of the privileges and immunities of ICAO."		
	Aviation Scholarship Programme	Letter of Award issued by ICAO pursuant to Memorandum of Understanding between the International Civil Aviation Organization and the International Aviation Womens Association (signed 20 Nov. 2013) to provide development opportunities for women in aviation.	Amicable settlement through negotiation is the discussion and clarification of the terms and conditions of the letter of award is the dispute resolution which applies to Aviation Scholars.	Referral to Ombudsman and Ethics Officer, when required, in respect of breach of ICAO Ethics Framework and conduct expected in international civil service.	
IMO	**Temporary employees**	Individual contract Temporary employee policy and guidelines.	Amiable Settlement Dialogue	Formal complaint Harassment Discrimination	Arbitration under UNCITRAL rules
	Gratis	MOUs with the member	Amiable Settlement	Formal complaint	

Non-staff personnel			*Modes of dispute resolution*			
Entity	*Categories of non-staff personnel*	*Applicable legal framework*				
	Personnel	States	Dialogue	Harassment Discrimination		
	Consultants	Individual contracts	Amiable Settlement Dialogue	Formal complaint Harassment Discrimination	Arbitration under UNCITRAL rules	
	Interpreters	Individual contracts and AIIC-CEB agreement	Amiable Settlement Dialogue	Formal complaint Harassment Discrimination	Arbitration under UNCITRAL rules	
	Work experience placement, research interns and student externs	Policy on IMO Research Interns, Student Externs, and Work Experience Students	Amiable Settlement Dialogue	Formal complaint Harassment Discrimination		
	Contractors	Contracts and POs, general terms and conditions issued to companies.	Amiable Settlement Dialogue	Formal complaint Harassment Discrimination	Arbitration under UNCITRAL rules	
IOM	**Interns**	Internship contract pursuant to IOMs Instruction on Internships IN/19.	Amiable Settlement	Ombudsperson (The Ombudsperson also mediates in conflicts related to employment in IOM)	Formal Complaint of Discrimination and Harassment (IN/90 Policy for a Respectful Working Environment covers non-IOM staff)	Arbitration under UNICITRAL rules
	Consultants	Consultancy contract pursuant to IOMs instruction on consultant IN/84.	Amiable Settlement	Ombudsperson (The Ombudsperson also mediates in conflicts related to employment in IOM)	Formal Complaint of Discrimination and Harassment (IN/90 Policy for a Respectful Working Environment covers non-IOM staff)	Arbitration under UNICITRAL rules

Non-staff personnel			*Modes of dispute resolution*			
Entity	*Categories of non-staff personnel*	*Applicable legal framework*				
	Volunteer	UNV contract pursuant to MoU between UNV and IOM	Amiable Settlement	No access to Ombudsperson (Goes to UN Ombudsman for UN Funds and Programmes)	Formal Complaint of Discrimination and Harassment (IN/90 Policy for a Respectful Working Environment covers non-IOM staff)	Arbitration under UNICITRAL rules
	Loans	MoU between IOM and a Government	Amiable Settlement	Ombudsperson (The Ombudsperson also mediates in conflicts related to employment in IOM)	Formal Complaint of Discrimination and Harassment (IN/90 Policy for a Respectful Working Environment covers non-IOM staff)	No access to arbitration under UNICITRAL rules
ITLOS	**Consultants and Individual Contractors**	Conditions of service for individual contractors/ consultants	Negotiations	Arbitration in Hamburg		
	Interns	ITLOS Internship programme	No mechanism provided			
	Nippon Fellows	ITLOS NIPPON programme	No mechanism provided			
ITU	**Special Service Agreements (SSA)**	Individual contract signed with the organization	Any dispute between the Parties arising from or in connection with this contract shall be settled by them through mutual negotiations. Should such negotiations prove impossible or fail, the Parties agree to submit the dispute			

Non-staff personnel			Modes of dispute resolution	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
			to arbitration by a sole arbitrator designated by agreement between the Parties. The sole arbitrator's ruling shall be final and binding upon the Parties and any recourse shall be excluded. If the Parties fail to designate an arbitrator within 30 days from the date of the written request for arbitration, the arbitrator shall be designated by the Chairman of the ITU Appeal Board	
	Interns	Internship agreement with the organization	No formal procedure included into the internship agreement. The resolution of a conflict would be settled through an amicable procedure	
UNESCO[bb]	**Service Contracts**	Individual contract with the Organization and Item 13.9 of the Human Resources Manual	Amicable settlement	Arbitration If it is not amicably settled it shall be finally settled by

[bb] The six listed categories do not have the same conditions and procedures that are applicable to the regular staff of UNESCO.

Non-staff personnel			*Modes of dispute resolution*	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
				arbitration. The dispute shall be submitted to one of the following two arbitration procedures, whichever is preferred by the Service contract holder: a) the Chairman of the UNESCO Appeals Board acting as sole arbitrator, in accordance with rules to be agreed to by the parties, or b) To one arbitrator in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules.
	Individual consultants/specialists	Individual contract with the Organization and Item 13.10 of the Human Resources Manual	Amicable settlement	Arbitration If it is not amicably settled it shall be finally settled by arbitration. The dispute shall be submitted to one of the following two arbitration procedures, whichever is

Non-staff personnel			*Modes of dispute resolution*	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
				preferred by the Service contract holder: (a) the Chairman of the UNESCO Appeals Board acting as sole arbitrator, in accordance with rules to be agreed to by the parties, or (b) To one arbitrator in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules.
	Short term contracts	Individual contract with the Organization and Item 13.7 bis of the Human Resources Manual	Amicable settlement	Arbitration If it is not amicably settled, it shall be submitted, at the initiative of either party, either to the Chairperson of the UNESCO Appeals Board or be the subject of an arbitration under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules in force. The arbitrator

Non-staff personnel			Modes of dispute resolution	
Entity	*Categories of non-staff personnel*	*Applicable legal framework*		
				shall rule upon the costs of arbitration, which shall be either apportioned between the two parties or paid by one of them only. The arbitral award shall be final and irrevocable.
	Loaned personnel	Memorandum of Agreement between the Organization and the Releasing Entity, Individual contract with the Organization and Item 19.3 of the HR Manuel "Loans and secondments")	Amicable settlement According to the individual contract: "Any controversy or dispute concerning the execution or interpretation of this contract shall be settled in consultation with the Releasing Entity". According to Article 5.1 of the Memorandum of Agreement between the Organization and the Releasing Entity "The Parties shall use their best efforts to amicably settle any dispute, controversy or claim arising out of the Agreement or the breach, termination or invalidity thereof"	Arbitration According to Article 5.2 of the Memorandum of Agreement between the Organization and the Releasing Entity "Unless the Releasing Entity is a Member State or a governmental authority, any dispute, controversy or claim between the Parties arising out of the Agreement or the breach, termination or invalidity thereof, uncles settled amicably under Article 5.1 within sixty (60) days after receipt by one Party

Non-staff personnel			*Modes of dispute resolution*				
Entity	*Categories of non-staff personnel*	*Applicable legal framework*					
				or the other Party's written request for such amicable settlement, shall be referred by either Party to arbitration in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules then in force"			
	Interns and Sponsored Trainees	Individual intern ship agreement with the Organization for internships. Traineeship Agreement between the Organization and the Trainee and Agreement on the Establishment of the Sponsored Traineeship Programme between the Organization and the Partner Institution for Sponsored Trainees.	Amicable settlement				
	UNESCO Volunteers	Volunteer Agreement with the Organization and Item 19.6 of the Human Resources Manual	Amicable settlement				
UNIDO	**Non-staff personnel who**	Framework on Individual Service Agreements	Settlement by negotiation	Arbitration in Vienna	Measures contained in the Code of	Measures contained in the	Measures contained in the

Non-staff personnel			*Modes of dispute resolution*				
Entity	*Categories of non-staff personnel*	*Applicable legal framework*					
	operate under Individual Service Agreements	(UNIDO/AI/2016/5 of 1 July 2016)			Ethical Conduct (reporting on wrongdoing)	organization's policy on Protection against retaliation for reporting misconduct or cooperating with audits or investigators	organization's policy on Prohibition, prevention and resolution of harassment, including sexual harassment, discrimination and abuse of authority
UNWTO	**Official-on loan**	Mission contract pursuant Circular NS/827	Amicable settlement	Management review	Arbitration under UNICITRAL rules		
	Service Contract Holder	Service Contract pursuant Circular NS/827	Amicable settlement	Management review	Arbitration under UNICITRAL rules		
	Expert	Expert contract pursuant Circular NS/827	Amicable settlement	Management review	Arbitration under UNICITRAL rules		
	Intern	Internship agreement pursuant Circular NS/827	Amicable settlement	Management review			
	Advisers to the SG	Letter of offer pursuant Circular NS/827	Amicable settlement	Management review			
WBG	**Executive Directors**		No access to the Internal Justice System (Mediation, Peer Review, Ombudsman, Tribunal) nor to the Staff Association				

Non-staff personnel			Modes of dispute resolution		
Entity	Categories of non-staff personnel	Applicable legal framework			
	Contractors		No access to the Internal Justice System (Mediation, Peer Review, Ombudsman, Tribunal) nor to the Staff Association		
WHO	**Individual Consultants and APW (Agreement for Performance of Work) holders**	Section 31 (a) of the Convention on the Privileges and Immunities of the Specialized Agencies;[cc] Express clause of the contract	Amicable settlement	Conciliation	Arbitration under rules of arbitration of the International Chamber of Commerce
	SSA (Special Service Agreements) holders	Section 31 (a) of the Convention on the Privileges and Immunities of the Specialized Agencies; Express clause of the contract	Amicable settlement	Conciliation	Arbitration, by arbitral panel composed of one member nominated by the SSA holder, one member nominated by WHO and a Chairman agreed to by the two other members
	Temporary advisers	Section 31 (a) of the Convention on the Privileges and Immunities of the Specialized Agencies; Express clause of the	Amicable settlement	Conciliation	Arbitration under rules of arbitration of the International Chamber of Commerce

[cc] Section 31: Each specialized agency shall make provision for appropriate modes of settlement of: (a) Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party; (b) ...

Non-staff personnel			*Modes of dispute resolution*
Entity	*Categories of non-staff personnel*	*Applicable legal framework*	
		contract	
	Volunteers and Interns	Section 31 (a) of the Convention on the Privileges and Immunities of the Specialized Agencies	The letter of agreement does not provide for a specific mode of dispute resolution, but in keeping with WHO's privileges and immunities (which are referred to in the letter of agreement)and the non-staff status of interns/volunteers, the parties would have to seek an appropriate mode of settling disputes (i.e., amicable settlement, conciliation and/or arbitration)
WMO	**Independent contractor**	Special Services Agreement (Financial and Staff Regulations)	Arbitration — single arbitrator, no reference to UNICITRAL
	Secondee	Secondment contract (Financial and Staff Regulations)	Arbitration under UNICITRAL rules

Annex III

Progress made in the implementation of recommendations contained in the report of the Secretary-General on the activities of UNOMS

A. Staff serving in dangerous duty stations: assessing the duty of care

1. The Organization's commitment to ensuring that staff serving in dangerous duty station are provided with the appropriate duty of care remains an important reform item for the Secretary-General. However, implementation of some of the elements that are necessary for the effective and efficient provision to all staff members has had some changes. For instance, setting up access to tele-psychiatry and tele-counselling through United Nations insurance plans has proven challenging. While some companies said they would accept insurance and others agreed to out-of-network coverage, the majority have in fact failed to deliver these services for staff.

2. To address this, the Medical Directors' Working Group (MDWG) and Stress/Staff Counsellors Group (SSCG) have formed an inter-agency, interdisciplinary working group to formulate a United Nations Common system plan to improve access to tele-health services for all staff members regardless of location or contract. The Medial Service Division of the Office of Human Resources Management, Department of Management, has also dedicated a significant part of the role of the Chief of the Staff Counsellor's Office to the participation in Health Risk Assessments (HRA) for duty stations, following the United Nations Enterprise Risk Management methodology. The goal is to have a procedure developed to allow for psychosocial assessments to be included for all future HRAs by next year.

3. The High-Level Independent Panel on Peace Operations (HIPPO) project for the development of medical performance standards for field hospitals has finalized its policy work and is now moving into the implementation phase. A Casualty Evacuation Policy with quality and time standards for emergency care has also been developed by a joint working group of the Department of Management, Department of Field Support and the Office of Military Affairs in the Department of Peacekeeping Operations and is currently being consulted with the field. The Occupational Safety and Health Policy will be presented for endorsement to the Management Committee this year.

4. In order to limit the duration of assignments in high-risk and hardship duty stations which can expose staff to certain levels of stress and danger, the Organization has implemented the new staff selection and managed mobility system in 2016. The new staffing system provides staff who have been in such duty stations for a certain period with opportunities to move to duty stations with less risk and hardship. Under the system, the maximum post occupancy limit is determined on the basis of hardship classification. For example, duty stations with B and C classifications have a maximum of 4 years while D and E classifications have a maximum of 3 years. Should staff not be able to move within the maximum post occupancy limit, the Organization will make every effort to facilitate their moves through the managed mobility staffing exercise. However, challenges still remain in the placement of staff members from high-risk and hardship duty stations to non-hardship duty stations. Specifically, the lack of inclusion of vacant positions in the mobility compendium, as recommended by the Secretary-General in his report 71/323/Add1 (para. 30), has limited the opportunities to place staff members from hardship to non-hardship duty stations.

5. The ability of the Organization to limit the assignment of staff members in high-risk and hardship duty stations has been enhanced by the introduction of the new staffing system. Under the new system, the staffing and decision-making

processes are employed through a centre-led approach, in which the staffing processing is undertaken by Network Staffing Teams in the Office of Human Resources Management, while the selection and reassignment decisions are recommended by the Job Network Board and Senior Review Board for approval of the Assistant Secretary-General for Human Resources Management and the Secretary-General, depending on the level of positions. It is also implemented in a phased manner by job network. In 2016, the Political, Peace and Humanitarian Network (POLNET) was the first to launch, and in 2017, the Information and Telecommunications Technology Network (ITECNET) is being launched. All nine job networks are expected to be rolled out by 2021.

6. The Organization fully agrees with the importance of increasing awareness among human resources staff in the field on compensation claims and pension benefits. In this regard, all missions have nominated focal points for the processing of pension benefits, including disability and survivor's benefits. The Field Personnel Division of the Department of Field Support has trained focal points from nine (9) missions and is in the process of developing a comprehensive training programme that will be delivered in the second half of 2017 to all mission focal points as well as focal points in service centres. Additionally, check lists have been developed to facilitate the preparation of submissions at mission level. Available brochures and information packages have been distributed to all missions.

B. Partial medical clearances: a continuing challenge

7. The Office of Human Resources Management (OHRM) fully acknowledges the importance of resolving the issues raised in section 69 of the report of the Secretary-General 71/157. OHRM is planning to form a group with key stakeholders in order to address these issues more clearly from a policy standpoint, including bringing clarity to the issue of placement authority in such cases.

C. Administrative delays and lack of responsiveness [particularly with regard to separation payments]

8. The separation process in the Secretariat, as well as globally in the UN Common System, has been a focus for all parties. Last year, at the request of the Pension Fund, Price Waterhouse Coopers (PwC) launched an end-to-end review of the separation process for the Secretariat and several other entities of the Fund.

9. The recommendations for improvements for Headquarters-based Secretariat staff are now in the process of implementation by Headquarters Deployment Ground for Human Resources Services (HDG/HR), responsible for the process in New York.

10. The Department of Management is taking the following actions:

(i) OHRM has established a dedicated separations team. The team will coordinate the upcoming separation requests well in advance through coordination and joint monitoring with respective Executive Offices. The team will also work closely with Payroll on streamlining separation payment related processes. The separations team is comprised by four seasoned senior HR Partners who have taken all necessary training and will be coached and trained additionally, as required, for mastering specific separation processing related tasks. The Office of Human Resources Management has designated one specific email address for Headquarters separations request, i.e., UNHQ separations/NY/UNO, for channelling all separation requests.

(ii) OHRM has put in place a review of Separation Checklists for staff, as well as creation of Quick Guides for Human Resources Partners at HDG and human resources staff members at Executive Offices. OHRM is in the process of reviewing and simplifying the separation checklist for the staff member and related quick guides for human resources and Payroll specialists concerned.

This exercise will facilitate better communication to staff members by providing step-by-step instructions for check out processing, easy access to focal points handling their cases, as well as streamlining and standardising back-end processing at various review points.

(iii) The Department of Management has also integrated the human resources and Payroll processes. This has entailed the sharing Payroll Analysis Tool. The HDG Separations Team and Payroll will launch a review of HDG-Payroll interaction process to find venues for improvement. OHRM will look into avoiding duplication of work, improving and sharing the Payroll Analysis Tool to be jointly used for tracking and reporting purposes. OHRM with the various stakeholders will also review prevailing policies and practices for reviewing separation cases requiring retroactive action.

(iv) The Department of Management has also introduction of Service Level Agreements (SLA) with client departments and offices. After reviewing and streamlining separation process and the workflow, clarifying responsibilities between various offices, the HDG Separation team will embark on introduction of SLAs with client departments to help introduce expected standards, or benchmarks, for processing separations.

(v) Finally, OHRM will pursue work flow improvement review with the Pension Fund, which may include sharing the Umoja interface with Pension Fund on separations, creating a new electronic platform for submitting pension forms by staff members etc. it should be noted however that this may be a long term initiative.

D. Fear of speaking out and fear of reprisals

11. OHRM have started to roll out programme managers clinics in collaboration with the Ombudsman to train managers on giving and receiving feedback and creating an atmosphere for genuine dialogue.

12. OHRM has also engaged UNOMS and the Ethics office in developing the questions for the UN Secretariat Engagement survey to assess work climate. The engagement survey will be conducted during the second half of 2017.

E. Strengthening investigations: a continued imperative

13. The Investigations Division of OIOS (ID/OIOS) is engaged in a series of wide-ranging initiatives designed to strengthen its investigative capacity and procedures. The ultimate purpose of these initiatives is to promote the highest level of service while ensuring that processes and procedures used to direct and guide the investigative process are effective and up-to-date, thereby improving the likelihood of offenders being held accountable for their actions.

14. The Division has implemented a recruitment plan that will markedly strengthen its ability to attract and recruit the best possible candidates, with due regard to the necessity of promoting gender, geographical and professional diversity. In addition, recognizing the need to improve the quality of interviews with children, ID/OIOS, in partnership with a National Child Advocacy group, has developed a foundational course entitled 'Forensic Interviewing of Children.' Furthermore, measures have been put in place to maintain the downward trajectory in the average length of time of investigations. The aim is to complete all prohibited conduct cases and retaliation cases within four months, sexual exploitation and abuse cases within six months and all other cases within twelve months. With regard to case intake, the hotline reporting procedure is under review, with the aim of providing the most accessible and practical system for reporting wrongdoing.

15. ID/OIOS has also engaged in cooperative efforts with other offices and entities to enhance system-wide investigative efficiency, coordination and information sharing. A Standing Task Force for the Improvement of the Investigation of Sexual Exploitation and Abuse, has been established and consists of investigators from OIOS, UNDP UNICEF, UNFPA, UNHCR and IOM. The Task Force, under ID/OIOS auspices, has been tasked to ensure that investigations across the UN system are conducted in line with international best practices, using the most up-to-date methodologies and techniques. ID/OIOS has also agreed to become the "Centralised Fraud Intake Mechanism" for all fraud and corruption reporting in the UN system. Through a partnership approach with other Divisions of OIOS, but in particular with the Internal Audit Division, it is further envisaged that the quality of ID/OIOS fraud and corruption investigations will be quantitatively and qualitatively improved. With regard to investigations carried out under Secretary-General's bulletin ST/SGB/2008/5, efforts to replace the current peer-based investigations with those conducted under the auspices of ID/OIOS have been delayed due to cost-related constraints. OIOS' intentions to resume the provision of training for proposed members of lay panels prior to their investigative activity under ST/SGB/2008/5 have also been hampered by cost and resource limitations.

F. Gender parity, equal treatment and inclusion (paras. 84-89)

16. The Secretary-General is currently developing a United Nations System-wide Gender Parity strategy, in support of attaining gender parity and equality across the United Nations Secretariat before 2026. The strategy addresses gender parity through the following key themes: (i) senior appointments; (ii) special measures; (iii) data, targets, and accountability (iv) mission settings; and (v) enabling environment. To be included in the Secretary-General strategy on gender parity and equality for its implementation is a review of policy related to the staff selection and manage mobility system, staff support policies, including but not limited to Flexible Working Agreements and Parental Leave, as well as cultural issues that are potential barriers from creating an enabling culture for all genders.

17. Some of the key elements to be included in the Gender Parity Strategy are support mechanics for managers and staff in becoming aware of unconscious bias at the work place. Specifically, OHRM is currently extending the interview training with a module on unconscious bias, which will eventually be integrated as a mandatory learning programme for all staff. Furthermore, OHRM is developing a website which will function as a repository for gender-related communication and material for managers and staff to raise further awareness.

Annex IV

Monthly opt-out rates and staff contributions under the voluntary supplemental funding mechanism

	Apr-14		May-14		Jun-14		Jul-14		Aug-14	
Entity	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)
UNHCR	35.28	8,935.31	36.65	8,324.03	38.62	8,151.82	38.51	8,163.61	39.29	8,098.68
UNON	58	3,304.03	62	1,907.64	66	1,789.20	65	1,798.00	65	1,783.00
UNOG	61	6,899	54	6,662.32	59	6,598.64	60	6,437.66	60	6,458.44
UNHQ	30.05	27,555.91	37.29	24,747.00	40.8	21,287.01	36.25	23,223.52	35.73	24,167.34
UNOV	69.87	1,114.10	68.94	1,234.17	73.82	967.76	75.18	926.88	75.52	867.4
UNICTY	41	1,105.60	42	1,051.65	42	1,019.23	43	1,023.55	43	988.4
MICT	40	185.88	38	183.5	37	183.24	36	192.88	36	185.86
ECA	22.6	1,171.15	26.96	911.58	27.94	917.44	26.9	975.05	30.5	896.49
ECLAC	71.79	520.23	76.34	393.51	78.45	365.71	79	370.6	80	348.69
ESCAP	76	485.72	77	484.73	79	437.34	79	424.4	79	447.47
ESCWA	34	626.1	50.5	461.66	54.5	418.8	57	395.84	57.29	393.61
UNDP	N/A	N/A	N/A	N/A	N/A	N/A	39	19,427.00	39	18,457.00
UNICEF	N/A	N/A	N/A	N/A	N/A	N/A	83	6,892.01	85	3,296.58
Total		51,903.03		46,361.79		42,136.19		70,251.00		66,388.96

	Sep-14		Oct-14		Nov-14		Dec-14		Jan-15	
Entity	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)
UNHCR	38.62	8,108.05	39.35	8,062.65	39.03	8,229.30	38.31	8,302.00	37.64	8,450.98
UNON	66	1721	65	1,694.00	66	1,692.00	66	1,692.00	68	1,624.00
UNOG	59	6,460.73	59	6,517.57	59	6,546.49	58	6,526.42	59	6,211.00
UNHQ	43.66	17,395.96	44.78	21,117.91	42.92	21,542.84	42.98	21,915.78	42.31	21,619.62
UNOV	76.82	879.09	77.67	903.57	77.51	904.56	77.74	888.45	77.38	807.61
UNICTY	42	990.28	42	975.43	42	950.56	42	944.16	41	834.83
MICT	38	205.34	35	207.55	37	204.6	38	204.27	48	205.1
ECA	28.52	933.03	28.03	929.11	28.65	933.03	28.21	924.32	28.74	925.66
ECLAC	79.47	350.76	79.06	355.25	78.64	366.83	77.88	374.05	77.5	378.31
ESCAP	80	430.58	80	421.27	81	411.98	81	398.64	81	395.29
ESCWA	57.8	390.24	58.48	390.52	58.59	398.28	59.03	394.57	59.03	387.6
UNDP	39	18,341.25	40	18,125.00	40	18,090.00	40	18,245.00	40	18,359.00
UNICEF	85	3,817.82	85	3,644.20	85	3,568.82	86	3,505.71	86	3,555.65
Total		60,024.13		63,343.13		63,839.29		64,315.37		63,754.65

	Feb-15		Mar-15		Apr-15		May-15		Jun-15	
Entity	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)
UNHCR	38.51	8,325.58	37.44	8,511.06	38.36	8,486.16	38.18	8,505.97	37.47	8,619.51
UNON	68	1,631	73	1,593.00	73	1,617.00	73	1,992.00	56	2,221.40
UNOG	58	6,690.00	57	6,511.00	58	6,568.00	57	6,720.00	59	5,654.00
UNHQ	40.27	21,830.30	44.57	20,420.69	43.59	21,640.69	43.46	21,951.23	45.53	20,508.21
UNOV	77.58	817.68	78.24	780.65	77.55	811.58	78.02	808.31	78.42	774.17
UNICTY	42	796.58	46	791.67	48	760.74	48	769.22	48	757.48
MICT	42	237.29	46	253.89	46	228.03	44	237.99	44	230.62
ECA	27.53	981.24	27	1,063.79	28.29	1,076.73	21.26	1,179.34	27.09	1,014.19
ECLAC	78.06	362.38	78.29	365.28	78.61	356.15	77.69	380.67	77.58	380.53
ESCAP	82	394.15	82	392.94	83	376.31	82	388.04	65	655.68
ESCWA	59.03	392.99	59.9	384.07	60.36	401.53	60.26	375.16	60.26	369.4
UNDP	40	17,812.00	40	17,820	41	18,074	41	17,769	41	17,760.51
UNICEF	86	3,387.78	86	3,414	86	3,374	87	3,282.52	87	3,233.49
Total		63,658.97		62,302.13		63771		64359.45		62179.19

	Jul-15		Aug-15		Sep-15		Oct-15	
Entity	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)	Opt out rate (%)	Contribution (USD)
UNHCR	37.09	8,757.80	37.43	8,637.50	36.81	8,978.12	37.12	9,014.63
UNON	56.62	2,110.28	55.11	2,134.00	52.14	2,145.81	49.98	2,206.19
UNOG	58	3,934.00	59	3,942.00	59	3,970.00	57	4,042.00
UNHQ	-45	19,388.80	-45	20,077.70	-45	19,753.69	-45	19,940.15
UNOV	78.98	768.07	78.68	749.08	78.81	785.48	78.74	808.26
UNICTY	44	695.77	44	631.3	43	622.37	48	N/A
MICT	43	243.91	49	249.07	48	260.1	32	N/A
ECA	19.23	1,050.32	19.03	1,063.46	19.07	998.38	33.68	1,117.31
ECLAC	78.06	370.31	78.04	363.81	77.97	362.52	78.33	359.05
ESCAP	67	621.87	68	599.77	69	589.26	69	579.95
ESCWA	59.02	402.72	59.9	412.48	57.4	402.11	57.32	403.16
UNDP	41	18,007.00	41	17,687	41	17,822	41	17,872
UNICEF	88	3,128.30	88	3,175.74	88	3,183.77	88	3,125.50
Total		59,479.15		59,722.91		59,873.61		59,468.20

	Nov-15		*Dec-15*		*Jan-16*		*Feb-16*		*Mar-16*	
Entity	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*
UNHCR	36.79	9,144.83	36.39	9,284.35	36.56	8,991.22	35.75	9,431.77	38.01	9,255.78
UNHQ**	43.8	38,258.86	44	37,876.24	43.7	37,537.08	43.6	37,535.32	44.9	37,970.46
UNDP	41	17,542.00	41	17,672.00	42	16,252	42	16,920	42	16,204.00
UNICEF	88	3,102.25	87	3,125.04	87	3,061.11	88	3,087.60	87	3,036.61
UNOPS*					39	1,402.89	39	1,487.96	40	1,458.34
Total		68,047.94		67,957.63		67,244.30		68,462.65		67,925.19

	Apr-16		*May-16*		*Jun-16*		*Jul-16*		*Aug-16*	
Entity	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*
UNHCR	38.09	9,373.21	38.37	9,416.18	35.84	9,702.12	35.97	9,632.41	34.92	9,724.24
UNHQ**	44.6	38,313.24	44.2	38,006.27	43.24	38,322.68	43.67	32,290.41	43.6	31,636.36
UNDP	42	16,315.00	42	16,228.00	42	16,283	42	15,987	42	15,991.00
UNICEF	89	3,037.74	89	2,996.77	89	2,968.40	89	2,919.07	90	2,916.82
UNOPS*	40	1,475.87	40	1,451.10	41	1,431.15	40	1,442.91	42	1,391.12
Total		68,515.06		68,098.32		68,707.35		62,271.80		61,659.54

	Sep-16		*Oct-16*		*Nov-16*		*Dec-16*		*Jan-17*	
Entity	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*
UNHCR	35.48	9,906.59	35.12	10,116.40	34.39	10,490.15	34.56	10,320.51	33.92	10,029.23
UNHQ**	43.03	32,146.25	43.31	32,497.58	32.9	41,312.54	32.55	31,639.56	32.88	36,259.81
UNDP	42	15,971.00	42	16,014.00	42	16,204.97	42	15,941	42	15,421.00
UNICEF	90	2,808.88	90	2,884.33	90	2,893.14	90	2,829.64	90	2,772.84
UNOPS*	43	1,375.11	43	1,367.12	42	1,367.44	43	1,373.31	44	1,224.59
Total		62,207.83		62,879.43		72,268.24		62,104.02		65,707.47

	Feb-17		*Mar-17*		*Apr-17*		*May-17*		*Jun-17*	
Entity	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*	*Opt out rate (%)*	*Contribution (USD)*
UNHCR	34.14	10,162.61	34.41	10,281.63	34.29	10,240.18	34.24	10,358.58	33.73	11,753.00
UNHQ**	32.54	35,337.58	32.57	36,457.27	32.37	37,168.89	32.34	37,411.74	33.5	51,480
UNDP	42	15,714.00	42	15,558.00	42	15,632.00	42	16,228	42	15,893.00
UNICEF	90	2,847.51	90	2,728.17	90	2,854.97	91	2,775.15	91	2,650.22
UNOPS*	43	1,261.87	44	1,216.33	45	1,201.20	44	1,194.84	45	1,202.31
Total		65,323.57		66,241.40		67,097.24		67,968.31		82,978.53

Total contributions to June 2017	**2,490,797.97**

* As of 1 January 2016, UNOPS started providing the statistics directly; previously, statistics for UNOPS had been provided by UNDP.

** As of 1 November 2015, UNHQ provides information also for UNON, UNOG, UNOV, UNHQ, UNICTY, MICT, ECA, ECLAC, ESCAP, ESCWA.

Annex V

Settlement payments recommended by the Management Evaluation Unit and monetary compensation awarded by the Tribunals in 2016 or paid in 2016

A. Settlement payments made in accordance with recommendations by the Management Evaluation Unit[a]

Department of decision maker	*Type of payment*	*Level of staff member*	*Amount (United States dollars)*	*Reason for compensation*
DFS-UNDOF	Fixed amount	G-5/11	5 000.00	Procedural irregularities in denying security allowance
DFS-UNAMI	Fixed amount	FS-4/11	3 000.00	Procedurally flawed selection exercise
DFS-MONUSCO	Eight months NBS	GL-3/7	12 633.66	Procedural irregularities with respect to termination
DFS-MINUSMA	Fixed amount	FS-5/4	238.17	Delays in processing education grant (financial damage due to interest charges)
DFS-UNSOA	Fixed amount	P-4/5	7 800.00	Legitimate expectation
DFS-MINUSTAH & DPA	4 months NBS	P-4/10	29 765.00	Alleged unlawfulness of termination and non-selection decision (two cases settled together)
OIOS	Fixed amount	G-5/3	3 000.00	Flaws in performance evaluation
DSS	Fixed amount	S-2	833.45	Denial of opportunity in selection process
OHCHR	One ninth of the difference btw P3/11 salary (& benefits & allowances) and P-4 over two years period	P-3/11	1 636.83	Loss of opportunity in the selection process
Total			63 907.11	

[a] Reflects payments made in cases received in 2016, as well as payments made in 2016 for cases carried over from 2015

B. Monetary compensation awarded by the Tribunals in 2016 or paid in 2016

UNDT judgment No	*Registry*	*Entity of decision-maker*	*Compensation awarded/ costs ordered by UNDT*	*UNAT judgment No*	*Affirmed/vacated/ rejected/compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
UNDT/2015/031 (23 applicants)	New York	OHRM	(i) Reversal of classification decision (ii) Referral to OHRM for new decision (iii) Compensation request rejected	2016-UNAT-615 (four appellants) 2016-UNAT-622 (18 appellants)	(i) Affirmed (ii) Vacated (iii) Two years' net base salary for unpaid salary and one year net base salary for moral damages	4 083 231.00	8 July 2016
UNDT/2015/104	New York	DSS	(i) Rescission of rejection of fact-finding investigation (ii) Compensation of USD 3 000	---	---	3 008.91	17 Feb 2016
UNDT/2015/112	Nairobi	MONUSCO	(i) Suspension of driver's licence unlawful (ii) Compensation of USD 1 500	---	---	1 508.77	18 Mar 2016
UNDT/2016/009	Geneva	UNOG	(i) Decision to take no action on complaint and investigation rescinded (ii) Memorandum to be removed from Official Status File (iii) Compensation of USD 4 000 for moral damages	---	---	4 011.12	28 Jan 2016
UNDT/2016/012	Nairobi	UNMISS	(i) Unlawful non-renewal of fixed-term appointment (ii) Compensation of one year net base salary	---	---	87 963.00	5 May 2016
UNDT/2016/013	Geneva	UNOG	(i) Decision to fill second position under same vacancy rescinded (ii) Compensation of USD 1 000 in lieu of rescission (iii) Compensation of USD 4 000 for moral damages	2016-UNAT-691	(i) Affirmed (ii) Affirmed (iii) Vacated	1 006.27	16 Feb 2017
UNDT/2016/016	New York	DGACM	(i) Refusal of continuing appointment unlawful (ii) Compensation of USD 5'000	2016-UNAT-696	Affirmed	5 173.90	22 Feb 2017
UNDT/2016/017	Geneva	UNICEF	(i) Dismissal rescinded (ii) Disciplinary measure set to censure	---	---	13 225.00 (LKR	15 Jun 2016

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded costs ordered by UNDT*	*UNAT judgment No.*	*Affirmed/vacated/rejected compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
			(iii) Compensation of one year's net base salary in lieu of rescission			2 022 330 00)	
UNDT/2016/020	Nairobi	UNMIL	(i) Unlawful non-reassignment (ii) Lack of full and fair consideration for vacancy (iii) Compensation of four months' net base salary in lieu of reinstatement plus salary difference for eight months (iv) Two months' net base salary for procedural/substantial irregularities	2016-UNAT-698	Remanded in part to UNDT	19 760.83 (for iv)	14 Jul 2016
UNDT/2016/021	Nairobi	ECA	Compensation of three months' net base salary for breach of due process rights related to a selection procedure	2016-UNAT-697	Vacated	---	---
UNDT/2016/022	Nairobi	OHRM	(i) Rescission of summary dismissal as disciplinary measure (ii) Compensation of one year's net base salary in lieu of rescission	2016-UNAT-741	(i) Vacated (ii) Vacated	---	---
UNDT/2016/026	Geneva	OHRM	(i) Rescission of non-conversion to continuing appointment (ii) Remand of contested decisions (iii) Compensation of USD 3 000 for moral damages	2016-UNAT-692	(i) Affirmed (ii) Affirmed (iii) Vacated	---	---
UNDT/2016/027	New York	DM	(i) Rescission of the decisions to deny designation to take up a post and removal of designation for applicant's post (ii) Documents to be removed from Official Status File (iii) USD 50 000 for non-pecuniary damages	2017-UNAT-742	(i) Affirmed (ii) Affirmed (iii) Affirmed	---	---
UNDT/2016/030, 031, 033, 043	Geneva	UNHCR	(i) Non-promotion decision rescinded (ii) Compensation of CHF 6 000 in lieu of rescission	---	---	030 CHF 6 125.00 031/033 Comp refused 043	3 Nov 2016 n/a n/a

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded; costs ordered by UNDT*	*UNAT judgment No.*	*Affirmed; vacated; rejected; compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
						CHF 6 118.00	3 Nov 2016
UNDT/2016/035	Geneva	UNHCR	(i) Decision to terminate appointment rescinded (ii) Compensation of two years' net base salary in lieu of rescission	2016-UNAT-705	(i) Vacated (ii) Vacated	---	---
UNDT/2016/049	Geneva	UNHCR	(i) Rescission of non-promotion (ii) Compensation of CFH 6 000 in lieu of rescission (iii) Compensation of CFH 3 000 for moral damages	2016-UNAT-713	(i) Affirmed (ii) Affirmed (iii) Vacated	CHF 6 117.00	8 Nov 2016
UNDT/2016/052	Geneva	UNON	(i) Rescission of selection decision (ii) Compensation of USD 2 000 in lieu of rescission (iii) USD 3 000 for moral damages	2017-UNAT-712	(i) Affirmed (ii) Affirmed (iii) Vacated	---	---
UNDT/2016/055, 056	Geneva	UNHCR	(i) Non-promotion decision rescinded (ii) Compensation of CHF6,000 in lieu of rescission	---	---	088 086 each CHF 6 112.00	3 Nov 2016
UNDT/2016/058	Nairobi	UNAMI	(i) Unlawful reassignment (ii) Compensation of one year's net base salary (iii) Compensation of three months' net base salary for bad faith and improper motive (iv) Compensation of three months' net base salary for damage to career prospects (v) Compensation of USD5,000 for unfair treatment	2017-UNAT-720	(i) Not contested (ii) Not contested (iii) Not contested (iv) Vacated (v) Not contested	---	---
UNDT/2016/067	Geneva	UNHCR	(i) Rescission of selection decision (ii) Compensation of USD 3 500 in lieu of rescission (iii) Compensation of USD 3 000 for moral damages	2017-UNAT-714	(i) Affirmed (ii) Affirmed (iii) Vacated	3 038.00	8 Nov 2016

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded; costs ordered by UNDT*	*UNAT judgment No.*	*Affirmed/vacated/rejected/compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
UNDT/2016/068	Geneva	UNICEF	(i) Decision not to renew fixed-term appointment rescinded (ii) Compensation of six months' net base salary in lieu of rescission (iii) Compensation of USD 3 000 in moral damages (iv) Performance and rebuttal documents 2013 to be deleted	—	—	15 266.00 (BDT 1 231 624.50)	15 June 2016
UNDT/2016/069	Nairobi	OCHA	(i) Compensation of one year's net base salary in lieu of rescission of unlawful non-renewal decision (ii) Compensation of USD 10 000 for moral damages regarding due process	2017-UNAT-721	(i) Vacated (ii) Vacated	—	—
UNDT/2016/071-083 (13 cases)	Nairobi	DFS	Rescission of refusal to pay within-mission relocation grant	—	—	130 000.00 (10 000.00 per applicant)	19 Aug 2016
UNDT/2016/84	Nairobi	UNHCR	(i) Rescission of the discontinuation of post and termination (ii) Compensation in the amount of the entitlements of the fixed-term appointment (iii) Compensation of USD 3 000 for unwarranted stress	—	—	3 000.00	3 Aug 2016
UNDT/2016/087	Nairobi	MONUSCO	Compensation in the amount of one year and six months' net base salary in lieu of rescission of the non-selection and for loss of opportunity	2017-UNAT-724	Compensation reduced to six months' net base salary	—	—
UNDT/2016/089	Nairobi	DFS	(i) Improperly constituted assessment panel for selection and unlawful assessment (ii) Compensation for moral damages in the amount of USD 1	2017-UNAT-723	(i) Vacated (ii) Affirmed (iii) Rescission of decision not to roster applicant for position, in lieu, compensation of one fifth of the relevant salary may be paid	—	—

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded/ costs ordered by UNDT*	*UNAT judgment No.*	*Affirmed/ vacated/ rejected compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
UNDT/2016/092	Nairobi	UNHCR	(i) Flawed review of compensation claim by ABCC	2017-UNAT-725	(i) Vacated and remanded to UNDT	—	—
			(ii) One month's net base salary		(ii) Vacated		
UNDT/2016/094	Nairobi	DFS	(i) Breach of applicant's fundamental rights	—	—	129 700.00	25 Oct 2016
			(ii) Compensation of one year and eight months' net base salary				
UNDT/2016/096	Nairobi	UNAMI	(i) Payment of portion of full salary not paid from 30 Nov. 2009 to 1 Aug. 2011	—	—	106 108.43	29 Nov 2016
			(ii) Compensation of USD 5 000 for moral damages				
UNDT/2016/100	Geneva	UNOG	(i) Flawed administration of compensation for loss of earning capacity disability	—	—	48 999.64	19 July 2016
			(ii) Compensation for additional tax paid by applicant as a result of flawed administration				
			(iii) Compensation of USD 9 000 for moral damages				
UNDT/2016/101	Geneva	UNDP	(i) Selection exercise procedurally flawed	—	—	1 010.08	26 Oct 2016
			(ii) Compensation of USD 1 000 for moral damages				
UNDT/2016/102	Geneva	UNDP	(i) Rescission of decision to terminate permanent contract	2017-UNAT-730	(i) Affirmed	182 069.66	27 June 2017
			(ii) Compensation of two years' net base salary in lieu of rescission		(ii) Compensation reduced to one year six months' net base salary		
			(iii) Compensation of USD 2 000 for moral damages		(iii) Affirmed		
UNDT/2016/109	Geneva	UNOG	(i) Disciplinary measure of termination with compensation in lieu of notice and termination indemnity rescinded and replaced by two years deferment of eligibility for promotion	2016-UNAT-745	(i) Vacated	—	—
			(ii) Compensation of 2 years' net base salary and Organization's pension contribution in lieu of rescission		(ii) Vacated		
			(iii) Compensation of three months' net base salary for moral damages		(iii) Vacated		

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded (sums ordered by UNDT)*	*UNAT judgment No.*	*Affirmed vacated rejected compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
UNDT/2016/120	Nairobi	UNICEF	(i) Flawed non-renewal of contract (ii) Compensation of three months' net base salary	—	—	14 694.25	31 Oct 2016
UNDT/2016/125	New York	DFS	(i) Significantly delayed selection exercise (ii) Compensation of USD 3 000	—	—	3 013.56	29 Dec 2016
UNDT/2016/178	New York	DESA	(i) Decision to separate applicant from service rescinded (ii) Compensation of one year's net base salary in lieu of rescission	Appeal pending		---	---
UNDT/2016/181	New York	DGACM	(i) Termination of contract rescinded (ii) Compensation of three years' net base salary in lieu of rescission, minus termination indemnity (iii) Compensation of USD 20 000 for emotional distress	Appeal pending		---	---
UNDT/2016/183	New York	UNDP	(i) Unlawful non-selection (ii) Compensation of seven months' net base salary for pecuniary loss	---	---	65 476.72	15 Dec 2016
UNDT/2016/186	New York	MINUSTAH	(i) Compensation of eight months' net base salary over sums already paid for unlawful termination (ii) Compensation of USD 5 000 for moral injury	---	---	68 251.72	11 Jan 2017
UNDT/2016/190, 191, 192	New York	DGACM	Compensation of USD 3 000 for emotional distress related to termination of permanent appointment	Appeal pending		---	---
UNDT/2016/193, 194, 195	New York	DGACM	(i) Termination of contract rescinded (ii) Compensation of two years' net base salary in lieu of rescission, minus termination indemnity (iii) Compensation of USD 7 000 for emotional distress	Appeal pending		---	---

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded/ costs ordered by UNDT*	*UNAT judgment No.*	*Affirmed/vacated/ rejected/compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
UNDT/2016/197	Nairobi	UNMISS	(i) Unlawful eviction from UN accommodation (ii) Compensation of three months' net base salary	---	---	---	---
UNDT/2016/204	Geneva	UNOV	(i) Rescission of decision to terminate appointment (ii) Compensation of three years' net base salary in lieu of rescission (iii) Compensation of USD 20 000 for moral damages	---	---	---	---
UNDT/2016/206	Geneva	UNAMI	(i) Improper dealing with allegations of misconduct alleged by the applicant (ii) Removal of negative comments re applicant in records (iii) Compensation of USD 3 000 for procedural error (iv) Compensation of USD 15 000 for harm suffered	Appeal pending		---	---
UNDT/2016/210	New York	OHRM	(i) Rescission of the decision to terminate based on a disciplinary measure (ii) Compensation of two years' net base salary in lieu of rescission (iii) Compensation of USD 30 000 for emotional distress	Appeal pending		---	---
UNDT/2016/201	New York	MINUSTAH	(i) Rescission of non-renewal decision (ii) Compensation of one years' net base salary in lieu of rescission	Appeal pending		---	---
UNDT/2016/219	New York	UNDP	(i) Flawed selection procedures (ii) Compensation of USD 18,000 for moral damages (USD 3 000 each for six failed job applications)	Appeal pending		---	---
UNDT/2016/220	New York	UNDP	(i) Rescission of termination (ii) Compensation of 29 days net base salary in lieu of rescission	Appeal pending		--	--

UNDT judgment No.	*Registry*	*Entity of decision-maker*	*Compensation awarded/ costs ordered by UNDT*	*UNAT judgment No.*	*Affirmed/vacated/ rejected/compensation awarded by UNAT*	*Net amount paid (USD unless otherwise indicated)*	*Date of payment*
			(iii) Compensation equal to the Organization's and staff member's contributions to the UNJSPF for two years and 28 days (iv) Compensation of USD 3 000 for moral damages				
UNDT/2016/221	New York	OHRM	(i) Rescission of the decision to terminate based on a disciplinary measure (ii) Compensation of two years' net base salary minus termination indemnity/payment in lieu of notice, in lieu of rescission (iii) Removal of record from Official Status File	Appeal pending		---	---